

URBAN MUNICIPAL
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1996

MINUTES OF
THE HAMILTON
CITY COUNCIL

AUG. 27, 1996 ...

URBAN/MUNICIPAL

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1996

CITY CLERK'S OFFICE

MEMORANDUM

Mr. K. Roberts
Chief Executive Officer
Public Library 1

2nd floor

TO: Mr. J. Pavelka, C.A.O.
Management Team
Legislative Assistants

FROM: Mr. S. G. Hollowell
Acting City Clerk

PHONE: 546-2727

SUBJECT: CITY COUNCIL MEETING

DATE: 1996 August 28

Attached for your information and appropriate action is a copy of the minutes of the meeting of City Council held August 27.

Please undertake to carry out the directions of City Council.

JJS/dg
att.

Minutes of Hamilton City Council
Tuesday, August 27, 1996
7:30 o'clock p.m.
Council Chamber, City Hall

The Council met:

Present: Acting Mayor Merling, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Collins, Charters, Jackson, Anderson, D'Amico, Ross.

Absent: Mayor Morrow - vacation

Acting Mayor Merling called the meeting to order.

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The National Anthem was played.

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Major Garnett Cassell, Salvation Army Family Services led Council in prayer.

PRESENTATIONS

Valerie Cranmer, President of the Ontario Professional Planners Institute, presented the Communication Award for "City View...Hamilton's Plan for Tomorrow" to Acting Mayor Henry Merling and Victor Abraham, Director of Planning and Development Department.

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Acting Mayor Merling presented to Elsie Burns a Certificate for Senior of the Year - Sackville Community Centre.

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Acting Mayor Merling presented plaques to the following participants who participated in the 1996 International Children's Games in Sopron, Hungary in Track and Field and Swimming: Peter Self - Coach, Louise Gallant, Eric Morrison, Adam Chambers, Alex Dobranowski, Tiffany Cowling, Tom Bereza, Dawn Bond - Coach, Lukas Nantais, Erin Dermody, Julia Berglund, Darryl Chandler.

ADOPTION OF MINUTES

The minutes of the meeting held 1996 July 9 were adopted as circulated.

CORRESPONDENCE

1. Letter dated 1996 July 17 from Tricia George, Deputy Clerk, Town of Flamborough respecting Expansion of Region of Hamilton-Wentworth Urban Transit Area.

Received.

2. Letter dated 1996 July 17 from James Brophy, 1088 1/2 Barton Street East, Hamilton, Ontario L8H 2V1.

Received.

3. Letter dated 1996 August 9 from J. J. Schatz, City Clerk advising of objections to City of Hamilton By-law No. 96-125 respecting the Westdale North Neighbourhood (Monster Homes).

Received.

4. Letter dated 1996 July 30 from J. J. Schatz, City Clerk advising of objections to City of Hamilton By-law No. 96-109 respecting the Westdale South Neighbourhood (Monster Homes).

Received.

5. Application dated 1996 July 24 from the City of Hamilton , Applicant Edward Lorne Richter, c/o 350 Parkdale Avenue North, Hamilton, Ontario for a modification to the "A" (Conservation, Open Space, Park and Recreation) District for 244 Lake Avenue North, Hamilton, Ontario

Received.

6. Application dated 1996 August 16 from Alfrin Enterprises Corporation, 554 Rymal Road West, Hamilton, Ontario for a further modification to the "C" (Urban Protected Residential, etc.) District for 73 Garfield Avenue South, Hamilton, Ontario

Received.

7. Facsimile dated 1996 August 26 from Ken S. Rosart, Rosart Properties Inc. respecting the demolition of 1187 and 1193 West 5th Street, Hamilton, Ontario. These items are also referenced in Sections 14 and 15 of the Thirteenth Report of the Planning and Development Committees Report.

Received.

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It was moved by Alderman Kiss and seconded by Alderman Caplan that the Reports of the Transport and Environment Committee, the Parks and Recreation Committee, the Planning and Development Committee, the Finance and Administration Committee, the City of Hamilton Licensing Committee, the Nominating Committee, and the Committee of the Whole be considered in Committee of the Whole with Alderman Jackson in the chair.

Recorded vote.

YEAS: Acting Mayor Merling, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Collins, Charters, Jackson, Anderson, D'Amico, Ross. -16

NAYS: -0.

CARRIED.

TRANSPORT AND ENVIRONMENT COMMITTEE - ELEVENTH REPORT

Section 34 Re: School Crossing Guards at pedestrian priority signal locations

Recorded vote.

YEAS: Acting Mayor Merling, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Collins, Charters, Jackson, Anderson, Ross. -15

NAYS: Alderman D'Amico. -1.

CARRIED.

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Section 35(d) Re: Parking enforcement at special events

It was moved by Alderman Eisenberger and seconded by Alderman Ross that sub-section (d) of Section 35 of the Eleventh Report for 1996 of the Transport and Environment Committee be referred back.

Recorded vote.

YEAS: Aldermen Kiss, Caplan, Drury, Eisenberger, D'Amico, Ross. -6

NAYS: Acting Mayor Merling, Aldermen Agro, McCulloch, Morelli, Copps, Wilson, Collins, Jackson. -8. **LOST.**

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Section 35(a) Re: Parking enforcement at special events

Recorded vote.

YEAS: Acting Mayor Merling, Aldermen Agro, Drury, Morelli, Wilson, Eisenberger, Collins, Charters, Jackson, Anderson, D'Amico, Ross. -12.

NAYS: Aldermen Kiss, Caplan, McCulloch, Copps. -4.

CARRIED.

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Section 35(b) Re: Parking enforcement at special events

Recorded vote.

YEAS: Acting Mayor Merling, Aldermen Kiss, Caplan, Agro, Drury, Morelli, Wilson, Eisenberger, Collins, Charters, Jackson, Anderson, D'Amico, Ross. -14.

NAYS: Aldermen McCulloch, Copps. -2. **CARRIED.**

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Section 35(d) Re: Parking enforcement at special events

Recorded vote.

YEAS: Acting Mayor Merling, Aldermen Agro, McCulloch, Drury, Morelli, Copps, Wilson, Collins, Charters, Jackson, Anderson, D'Amico. -12.

NAYS: Aldermen Kiss, Caplan, Eisenberger, Ross. -4. **CARRIED.**

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Section 39 Re: Advertising benches on city road allowances - Hamilton Bench Advertising Limited

It was moved by Alderman Kiss and seconded by Alderman Caplan that Section 39 of the Eleventh Report for 1996 of the Transport and Environment Committee be referred back. **CARRIED.**

PARKS AND RECREATION COMMITTEE - ELEVENTH REPORT

Section 4 Re: Alcohol in Parks - Turner and Globe Parks

Recorded vote.

YEAS: Acting Mayor Merling, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Collins, Charters, Anderson, D'Amico, Ross. -15

NAYS: Alderman Jackson. -1. **CARRIED.**

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Section 6 Re: Business Plan for the Chedoke Winter Sports Park

Recorded vote.

YEAS: Aldermen Kiss, Caplan, Agro, McCulloch, Morelli, Copps, Eisenberger, Collins, Jackson, Anderson, D'Amico, Ross. -12

NAYS: Acting Mayor Merling, Aldermen Drury, Wilson, Charters. -4. **CARRIED.**

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Section 10 Re: Discontinuance of naturalization program - Scenic Drive

It was moved by Alderman McCulloch and seconded by Acting Mayor Merling that Section 10 of the Eleventh Report of the Parks and Recreation Committee for 1996 be amended by adding sub-section "(b)" as follows:

(b) That the above noted three parks be cut this one time only.

Recorded vote.

YEAS: Acting Mayor Merling, Aldermen Caplan, Drury, Morelli, Wilson, Charters, Anderson. -7.

NAYS: Aldermen Kiss, Agro, McCulloch, Copps, Eisenberger, Collins, Jackson, D'Amico, Ross. -9. **LOST.**

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Section 10 Re: Discontinuance of naturalization program - Scenic Drive

Recorded vote.

YEAS: Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Eisenberger, Collins, Jackson, D'Amico, Ross. -11.

NAYS: Acting Mayor Merling, Aldermen Copps, Wilson, Charters, Anderson. -5. **CARRIED.**

PARKS AND RECREATION COMMITTEE - TWELFTH REPORT

PLANNING & DEVELOPMENT COMMITTEE - THIRTEENTH REPORT

Section 2 Re: Zoning Application 96-08, 712169 Ontario Ltd. (G. Malatesta)

Recorded vote.

YEAS: Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Collins, Charters, Jackson, D'Amico, Ross. -14.

NAYS: Acting Mayor Merling, Aldermen Anderson. -2. **CARRIED.**

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Section 9 Re: Demolition Permit for 33 Clifford Street

YEAS: Acting Mayor Merling, Aldermen Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Collins, Charters, Jackson, Anderson, D'Amico, Ross. -14.

NAYS: Aldermen Kiss, Caplan. -2. **CARRIED.**

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Section 14 Re: Denial of Demolition Permit for 1187 West 5th Street

It was moved by Alderman D'Amico and seconded by Alderman Ross that Section 14 of the Thirteenth Report for 1996 of the Planning and Development Committee be referred back.

CARRIED.

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Section 15 Re: Denial of Demolition Permit for 1193 West 5th Street

It was moved by Alderman D'Amico and seconded by Alderman Ross that Section 15 of the Thirteenth Report for 1996 of the Planning and Development Committee be referred back.

CARRIED.

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Section 19 (b) Re: By-law 84-252 - allow land to be developed for residential purposes

It was moved by Alderman Drury and seconded by Alderman D'Amico that Section 19 (b) of the Thirteenth Report of the Planning and Development Committee for 1996 be amended by inserting after the word "fee" in the fifth line the words "..where such fee is paid after 1996 August 27."
CARRIED.

FINANCE & ADMINISTRATION COMMITTEE - FOURTEENTH REPORT

Section 1 Re: Hamilton and District Labour Council's offer Re: City's claim

Recorded vote.

YEAS: Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Charters, Jackson, Anderson, D'Amico, Ross. -14.

NAYS: Alderman Collins. -1. **CARRIED.**

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Section 34 Re: Option to Purchase - 571 Kenilworth Avenue North

It was moved by Alderman Caplan and seconded by Alderman Kiss that Section 34 of the Fourteenth Report for 1996 of the Finance and Administration Committee be referred back.

Recorded vote.

YEAS: Alderman Kiss, Caplan, Drury, Morelli, Eisenberger Collins, Charters, Anderson, Ross. -9.

NAYS: Acting Mayor Merling, Aldermen Agro, McCulloch, Copps, Wilson, Jackson, D'Amico. -7. **CARRIED.**

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Section 35 Re: Capital Project Account Authorization - 571 Kenilworth Avenue North

It was moved by Alderman Caplan and seconded by Alderman Kiss that Section 35 of the Fourteenth Report for 1996 of the Finance and Administration Committee be referred back.

Recorded vote.

YEAS: Alderman Kiss, Caplan, Drury, Morelli, Eisenberger Collins, Charters, Anderson, Ross. -9.

NAYS: Acting Mayor Merling, Aldermen Agro, McCulloch, Copps, Wilson, Jackson, D'Amico. -7. **CARRIED.**

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Section 38 Re: Occupational Health and Safety Resolution

Recorded vote.

YEAS: Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Collins, Charters, Jackson, D'Amico. -14.

NAYS: Alderman Anderson. -1. **CARRIED.**

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Section 40 Re: Rule No. 9 - Use of Forecourt - Hispanic Fiesta

It was moved by Alderman Charters and seconded by Alderman Collins that Rule No. 9 of the City's Procedural By-law No. 95-167 be invoked for this meeting of City Council in order to allow the introduction of a resolution respecting approval of the use of the Forecourt for a Hispanic Fiesta. **CARRIED.**

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Section 40 Re: Use of Forecourt - Hispanic Fiesta

It was moved by Alderman Charters and seconded by Alderman Collins that the Fourteenth Report of the Finance and Administration Committee for 1996 be amended by adding Section 40 as follows:

40. That approval be given to the request of the Hispanic Community to hold a Hispanic Fiesta on the City Hall Forecourt on Sunday, 1996 September 8 from noon until 3:00 p.m. **CARRIED.**

CITY OF HAMILTON LICENSING COMMITTEE - SECOND REPORT

NOMINATING COMMITTEE - FIFTH REPORT

COMMITTEE OF THE WHOLE - FIFTH REPORT

ACTING MAYOR FOR THE MONTH OF SEPTEMBER, 1996

It was moved by Alderman Kiss and seconded by Alderman Caplan that Alderman T. Anderson be appointed Acting Mayor for the month of September, 1996. **CARRIED.**

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Report of the Committee of the Whole on the Reports of the Transport and Environment Committee, the Parks and Recreation Committee, the Planning and Development Committee, the Finance and Administration Committee, the City of Hamilton Licensing Committee, the Nominating Committee, and the Committee of the Whole be adopted.

Recorded vote.

YEAS: Acting Mayor Merling, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Collins, Charters, Jackson, Anderson, D'Amico, Ross. -16

NAYS: -0.

CARRIED.

1996 August 27

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City Council then adjourned at 9:45 o'clock p.m.

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Taken as read and approved.

ACTING MAYOR H. MERLING

S. G. Hollowell, Acting City Clerk
1996 August 27
SGH/dg

REPORT OF THE TRANSPORT AND ENVIRONMENT COMMITTEE

To The Council of the Corporation of the City of Hamilton

Members of Council:

The Transport and Environment Committee presents its **ELEVENTH** Report for 1996 and respectfully recommends:

1. That City Council enact the by-law to authorize the alteration of John Street North between a point approximately 50m north of Burlington Street and approximately 13m northerly by narrowing the roadway from the existing 8.6m width varying from 6.2m to 8.6m.
2. That a "One Hour Parking Time Limit, 24 hours a day, Monday to Saturday" regulation be implemented on the east side of Hess Street South between Bold Street and Hunter Street West and that the City Traffic By-law No. 89-72 be amended accordingly.
3. That the existing "Permit Parking" regulation on the east side of Grosvenor Avenue North commencing at a point 389 feet south of Barton Street East and extending to a point 29 feet southerly therefrom be shortened such that the regulation commences at a point 398 feet south of Barton Street East and extends to a point 20 feet southerly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly.
4.
 - (a) That the existing "Permit Parking" regulation on the south side of Simcoe Street West between MacNab Street North and Bay Street North be replaced with a "Three Hour Parking Time Limit, 24 hours a day, seven days a week" regulation and that the City Traffic By-law No. 89-72 be amended accordingly; and,
 - (b) That the maximum number of permits allowed to be issued by the Commissioner of Public Works and Traffic be reduced from 22 permits to 12 permits.
5. That a "One Hour Parking Time Limit, 24 hours a day, seven days a week" regulation be implemented on the south side of Hunter Street West between Locke Street South and Pearl Street and that the City Traffic By-law No. 89-72 be amended accordingly.

6.
 - (a) That a "No Parking" regulation be implemented on the east side of Dana Drive between Norrie Avenue and a point 72 feet northerly therefrom; and,
 - (b) That a "No Parking" regulation be implemented on the north side of Norrie Avenue between Dana Drive and a point 80 feet easterly therefrom; and,
 - (c) That the City Traffic By-law No. 89-72 be amended accordingly.
7. That parking be prohibited on the east side of Berkindale Drive, commencing at Roxborough Avenue and extending to a point 118 feet southerly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly.
8. That a "Wheelchair Loading Zone, 8:00 a.m. to 6:00 p.m., Monday to Friday" regulation be implemented on the east side of Reid Avenue North commencing at a point 109 feet south of Ayr Avenue and extending to a point 40 feet southerly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly.
9. That the existing "Wheelchair Loading Zone, -24 hours a day, seven days a week" regulation on the east side of Ravenbury Drive (west leg) commencing at a point 209 feet south of the south curb line of Ravenbury Drive (north leg) and extending to a point 39 feet southerly therefrom be removed and that the City Traffic By-law No. 89-72 be amended accordingly.
10.
 - (a) That a "Permit Parking" regulation be implemented on the west side of Fairfield Avenue commencing at a point 391 feet south of Britannia Avenue and extending to a point 17 feet southerly therefrom, and on the east side of Fairfield Avenue commencing 375 feet south of Britannia Avenue and extending to a point 17 feet southerly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly; and,
 - (b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Mrs. Debbie Epifano, No. 165 Fairfield Avenue.
11.
 - (a) That a "Permit Parking" regulation be implemented on the west side of Ferguson Avenue North commencing at a point 116 feet north of Macauley Street East and extending to a point 23 feet northerly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly; and,

- (b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Ms. Victoria Chadwick, No. 493 Ferguson Avenue East.
12. That the existing "No Parking, 8:00 a.m. to 6:00 p.m., Monday to Friday" regulation on the east side of East Avenue North commencing at a point 84 feet north of Robert Street and extending to a point 22 feet northerly therefrom be removed, and that the City Traffic By-law No. 89-72 be amended accordingly.
13. That the existing "Three Hour Parking Time Limit, 8:00 a.m. to 8:00 p.m., Monday to Friday" regulation on the west side of Depew Street between Beach Road and Gertrude Street be replaced with a "One Hour Parking Time Limit, 24 Hours a Day, Seven Days a Week" regulation and that the City Traffic By-law No. 89-72 be amended accordingly.
14. That a "One Hour Parking Time Limit, 8:00 a.m. to 6:00 p.m., Monday to Friday" regulation be implemented on both sides of West 32nd Street between Bendamere Avenue and Elmwood Avenue and that the City Traffic By-law No. 89-72 be amended accordingly.
15. That the existing "Wheelchair Loading Zone, 9:00 a.m. to 11:00 p.m., Seven Days a Week" regulation on the north side of Vickers Road commencing at a point 86 feet west of Upper Wentworth Street and extending to a point 30 feet westerly therefrom be revised such that the regulation commences at a point 86 feet west of Upper Wentworth Street and extends to a point 50 feet westerly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly.
16. (a) That a "Permit Parking" regulation be implemented on the west side of Fairfield Avenue commencing at a point 225 feet south of Vansitmart Avenue and extending to a point 20 feet southerly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly; and,
- (b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Mr. Al Caldwell, No. 333 Fairfield Avenue.
17. (a) That a "Permit Parking" regulation be implemented on the west side of Fairfield Avenue commencing at a point 263 feet south of Britannia Avenue and extending to a point 20 feet southerly therefrom, and on the east side of Fairfield Avenue commencing at a point 343 feet south of Britannia Avenue and extending to a point 18 feet southerly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly; and,

- (b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Mr. Brad Dayment, No. 177 Fairfield Avenue.
- 18.
 - (a) That the existing "No Parking" regulation on the south side of Stanley Avenue commencing at Dundurn Street South and extending to a point 450 feet westerly therefrom be replaced with a "No Stopping" regulation; and,
 - (b) That the existing "Alternate Side Parking" regulation on the north side of Stanley Avenue from Dundurn Street South to a point 410 feet westerly therefrom and on the south side from Dundurn Street South to a point 459 feet westerly therefrom be removed; and,
 - (c) That the City Traffic By-law No. 89-72 be amended accordingly.
- 19.
 - (a) That a "Permit Parking" regulation be implemented on the west side of Norway Avenue commencing at a point 24 feet north of Cumberland Avenue and extending to a point 20 feet northerly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly; and,
 - (b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Mr. Webb, No. 301 Cumberland Avenue.
- 20.
 - (a) That the existing "No Parking" regulation on the north side of Tom Street between Dundurn Street North and Breadalbane Street be switched to the south side; and,
 - (b) That a "Permit Parking" regulation be implemented on the north side of Tom Street commencing at a point 194 feet west of Dundurn Street North and extending to a point 21 feet westerly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly; and,
 - (c) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Mark Smith, No. 80 Tom Street.
- 21.
 - (a) That a "Permit Parking" regulation be implemented on the east side of Tragina Avenue North commencing at a point 475 feet south of Barton Street East and extending to a point 16 feet southerly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly; and,

- (b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Mr. Don Mitchell, No. 260 Tragina Avenue North.
- 22. (a) That eastbound traffic on Broughton Avenue be required to stop for northbound and southbound traffic on Grayrocks Avenue; and,
 - (b) That three-way stop control be implemented at the intersection of Ossington Avenue and Broughton Avenue; and,
 - (c) That the City Traffic By-law No. 89-72 be amended accordingly.
- 23. That westbound traffic on Kingsway Drive be required to stop for northbound and southbound traffic on John Street South and that the City Traffic By-law No. 89-72 be amended accordingly.
- 24. That eastbound and westbound traffic on Roanoke Road be required to stop for northbound and southbound traffic on Paradise Road North and that the City Traffic By-law No. 89-72 be amended accordingly.
- 25. That northbound traffic on Tia Drive be required to stop for eastbound and westbound traffic on Nugent Drive and that the City Traffic By-law No. 89-72 be amended accordingly.
- 26. That the existing hours of the School Crossing Guard at the intersection of Courtland Avenue and Stone Church Road West be extended to include the lunch time school crossing periods on a permanent basis.
- 27. That the lunch time school crossing service be discontinued at the intersection of Inverness Avenue and Upper Wellington Street.
- 28. That the lunch time school crossing service be discontinued at the intersection of Barons Avenue North and Britannia Avenue.
- 29. That the lunch time school crossing service be discontinued at the intersection of Upper Gage Avenue and Thorley Drive.

30. That the lunch time school crossing service be discontinued at the intersection of Concession Street and East 36th Street.
31.
 - (a) That the City's share of services in "Orchard Park Estates - Phase 2", previously approved in the amount of \$3,267, be increased to a total of \$6,667 and that the additional amount of \$3,400 be financed from Account Centre No. 00107 - Reserve for Services Through Unsubdivided Lands; and,
 - (b) That the City's share of services in "Orchard Park Estates - Phase 3", previously approved in the amount of \$7,265, be increased to a total of \$14,765 and that the additional amount of \$7,500 be financed from Account Centre No. 00107 - Reserve for Services Through Unsubdivided Lands; and,
 - (c) That the City's share of services in "Orchard Park Estates - Phase 4", previously approved in the amount of \$16,573, be increased to a total of \$26,573.00 and that the additional amount of \$10,000 be financed from Account Centre No. 00107 - Reserve for Services Through Unsubdivided Lands; and,
 - (d) That the City's share of services in "Summerfield at the Orchards", previously approved in the amount of \$122,922, be increased to a total of \$152,922 and that the additional amount of \$30,000 be financed from Account Centre No. 00107 - Reserve for Services Through Unsubdivided Lands.
32.
 - (a) That in accordance with the Provincial Government's 3 Rs Regulations which mandate leaf and yard waste composting, the Commissioner of Public Works and Traffic be authorized to implement a leaf and yard waste collection program in accordance with the following criteria:
 - (i) Leaf and yard waste will be collected separately from regular household garbage and recyclables; and,
 - (ii) The collection period will be from April-15th to December 15th and a Christmas tree collection in January; and,
 - (iii) Collection will be on an every other week basis with collection days designated as outlined in Appendix "A" attached hereto; and,
 - (iv) There will be no leaf and yard waste collection for statutory holidays nor will there be "make up" days for lost statutory day collections; and,

- (v) Leaf and yard waste will only be collected when properly placed at curbside and packaged in clear plastic bags with a thickness of at least 1.5 thousandths of an inch, not more than 2.75 cubic feet, capable of holding 50 lbs or 22 kg; or in suitable reusable garbage cans/containers designated by the official leaf and yard waste logo as illustrated in Appendix "B"; or in the case of brush and garden debris tied in compact bundles not more than four feet in length; and,
 - (vi) The Department of Public Works and Traffic will make available and distribute through the mail, vinyl stick on leaf and yard waste logos for use by residents in designating specific reusable containers for leaf and yard waste, on a request basis and for an amount of \$1 each sticker; and,
 - (vii) Each individual "lift" of leaf and yard waste ie. each bag or container of material shall not exceed 50 lbs or 22 kg; and,
 - (viii) Grass clippings will continue to be collected as regular residential garbage and in addition will be collected as leaf and yard waste. Promotional efforts will be made to encourage property owners to appreciate both the benefits of recycling grass clippings onto their lawn and the use of composters; and,
 - (b) That the Commissioner of Public Works and Traffic be authorized to inform the Citizens of Hamilton and affected agencies of the leaf and yard waste collection program through local media, promotions and educational seminars as may be required and within existing budgets; and,
 - (c) That in order to facilitate a program start which recognizes operational issues for both the City of Hamilton and the Region of Hamilton-Wentworth, the program start date for 1996 be October 21.
33. That the Department of Public Works and Traffic be authorized to continue to fund the Sewer Street Tree Program Account No. CH56321 60430 recognizing that this account is in an overdraft projection.

34. That School Crossing Guards at pedestrian priority signal locations be retained for a period not to exceed one month after installation of the signals, to ensure that pedestrians using the signals operate the pushbuttons and understand the signals, following which the crossing guards will be removed.

Recorded vote.

YEAS: Acting Mayor Merling, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Collins, Charters, Jackson, Anderson, Ross. -15

NAYS: Alderman D'Amico. -1.

CARRIED.

35. That parking enforcement be conducted in the areas of major special events such as Aquafest, Earthsong, Festival of Friends and Tiger Cat Football Games, in accordance with the following guidelines:

- (a) parking infraction notices will be issued only for safety related violations, or on a complaint basis; and,

Recorded vote.

YEAS: Acting Mayor Merling, Aldermen Agro, Drury, Morelli, Wilson, Eisenberger, Collins, Charters, Jackson, Anderson, D'Amico, Ross. -12.

NAYS: Aldermen Kiss, Caplan, McCulloch, Copps. -4.

CARRIED.

- (b) Parking Control Officers will be instructed to use as much discretion/leniency as possible; and,

Recorded vote.

YEAS: Acting Mayor Merling, Aldermen Kiss, Caplan, Agro, Drury, Morelli, Wilson, Eisenberger, Collins, Charters, Jackson, Anderson, D'Amico, Ross. -14.

NAYS: Aldermen McCulloch, Copps. -2.

CARRIED.

- (c) to promote public relations, Parking Control Officers will be instructed to assist the public by giving directions, general information or any other assistance, to the best of their ability; and,
- (d) that the cost of providing parking enforcement during annual major special events be charged to the event organizers.

Recorded vote.

YEAS: Acting Mayor Merling, Aldermen Agro, McCulloch, Drury, Morelli, Copps, Wilson, Collins, Charters, Jackson, Anderson, D'Amico. -12.

NAYS: Aldermen Kiss, Caplan, Eisenberger, Ross. -4. **CARRIED.**

- 36. (a) That \$45,000 from Account No. CF758841001 be assigned for remedial repairs to the roof of the Traffic Operations Centre; and,
 - (b) That Lexcan Industrial Supply Limited be authorized to do warranty repairs to the roof of the Traffic Operations Centre, on the understanding that such repairs are done with no obligation to City; and,
 - (c) That the complete replacement and restoration of the roof of the Traffic Operations Centre in the year 2002 be placed in the capital budget.
37. That the existing "Alternate Side Parking" regulation on Country Club Drive between Greenhill Avenue and Capilano Drive be replaced with a "No Parking" regulation on the east side and unrestricted parking on the west side and that the City Traffic By-law No. 89-72 be amended accordingly.
38. (a) That the costs attributed to the 1' Reserve adjacent to the single family lot at the south-west corner of Queen Victoria Drive and Loconder Avenue (No. 607 Queen Victoria Drive), intended for development by the Hamilton Habitat Humanity organization, be waived, and the 1' Reserve adjacent to No. 607 Queen Victoria Drive be incorporated into the road allowance upon satisfactory arrangements with the City; and,
- (b) That the remainder of the charges attributable to the 1' Reserve adjacent to the remnant parcel abutting Loconder Drive be collected at the time of development of that parcel; and,

- (c) That the Treasurer be instructed to identify a source of funding; and,
- (d) That the Committee of Adjustment be advised of this resolution.

39. That Hamilton Bench Advertising Limited (No. 585 Main Street East, Hamilton, L8M 1J4) be permitted to place advertising benches on City Road Allowances for a ten year period, with revenue to the City of Hamilton, credited to Unclassified Revenue Account Centre 75001 for the following amounts exclusive of GST:

The greater of:

- (a) An annual fee of \$70 per advertising face per year or
- (b) 5% of the advertising revenue per year

subject to the following conditions:

- (i) That an Agreement be entered into between the City of Hamilton and Hamilton Bench Advertising Limited in a form satisfactory to the City Solicitor; and,
- (ii) That the applicant provide an alphabetical street name inventory, defining where all benches are placed on the road allowance; and,
- (iii) That the applicant provide, at the time of each annual payment, a map indicating the location of each bench; and,
- (iv) That the applicant provide \$5,000,000 public liability insurance, naming the City as an added insured party, and saving the City harmless from all action, interests, claims, demands, costs, damages, expenses, and loss; and,
- (v) That the Mayor, City Clerk and Treasurer be authorized and directed to execute the Agreement on behalf of the City; and,
- (vi) That no benches with advertising be placed in the City of Hamilton's "Downtown Area" bounded by and including Main Street and Wilson Street, and Bay Street and Wellington Street; however such restriction shall not apply to benches for charitable organizations or for benches without advertising; and,
- (vii) That no benches with advertising be placed at bus stops with transit shelters where advertising is on the transit shelter; however such restriction shall not apply to benches for charitable organizations or for benches without advertising; and,

(viii) That the applicant be permitted to install a maximum of 500 large benches with advertising faces and 500 small benches with no advertising at locations determined by the following criteria:

1. No bench shall be placed in such a manner as to obstruct pedestrian traffic and in no case shall it be placed on a sidewalk having a width of 2.0m or less; and,
2. No bench shall be placed within 6.0m of any fire hydrant; and,
3. No bench shall be placed so as to interfere with or obstruct any street maintenance operation, and in no case shall a bench be within 11.0m of a bus stop during the months of December to April inclusive; and,
4. Benches shall not be installed until prior approval of each bench location is received from the Commissioner of Transportation (Region), and in all commercial areas, benches shall not be installed without first obtaining the approval of the Neighbourhood Business Association. All benches shall be maintained to the satisfaction of the Commissioner of Transportation (Region); and,

(ix) The Applicant shall make available to the City 5% of the benches for local service organizations who will be responsible for the cost of the artwork only.

REFERRED BACK.

40. That the Regional Municipality of Hamilton-Wentworth be advised, through the Transportation Services Committee that the City of Hamilton rejects the recommendation respecting Annual Planting and Maintenance of Flowers (RDS 96-024(a)) which was received by the Transportation Services Committee and forwarded to the City of Hamilton for comments.

41. That the following Bills be adopted, signed, sealed and enrolled as By-laws:

- (a) A-41 A By-law to Amend By-law No. 89-72 to Regulate Traffic
- (b) A-42 A By-law to Amend By-law No. 89-72 to Regulate Traffic

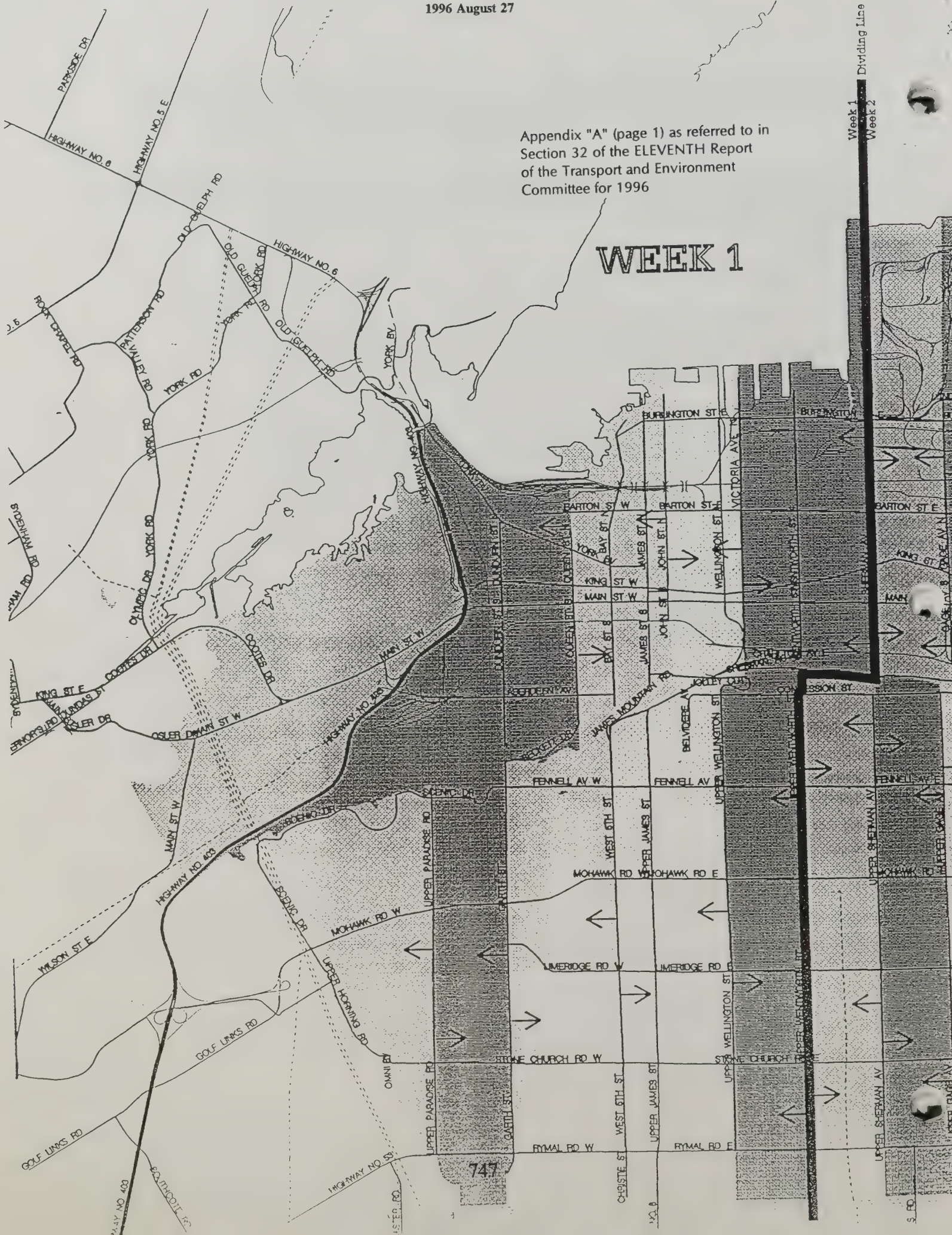
- (c) A-43 A By-law to Alter John Street North by narrowing the roadway

Respectfully Submitted,

**ALDERMAN H. MERLING, CHAIRMAN
TRANSPORT AND ENVIRONMENT COMMITTEE**

**Kevin C. Christenson
Secretary
1996 August 19**

WEEK 1



Appendix "A" (page 2) as referred to in Section 32 of the ELEVENTH Report of the Transport and Environment Committee for 1996

WEEK 2



LEGEND

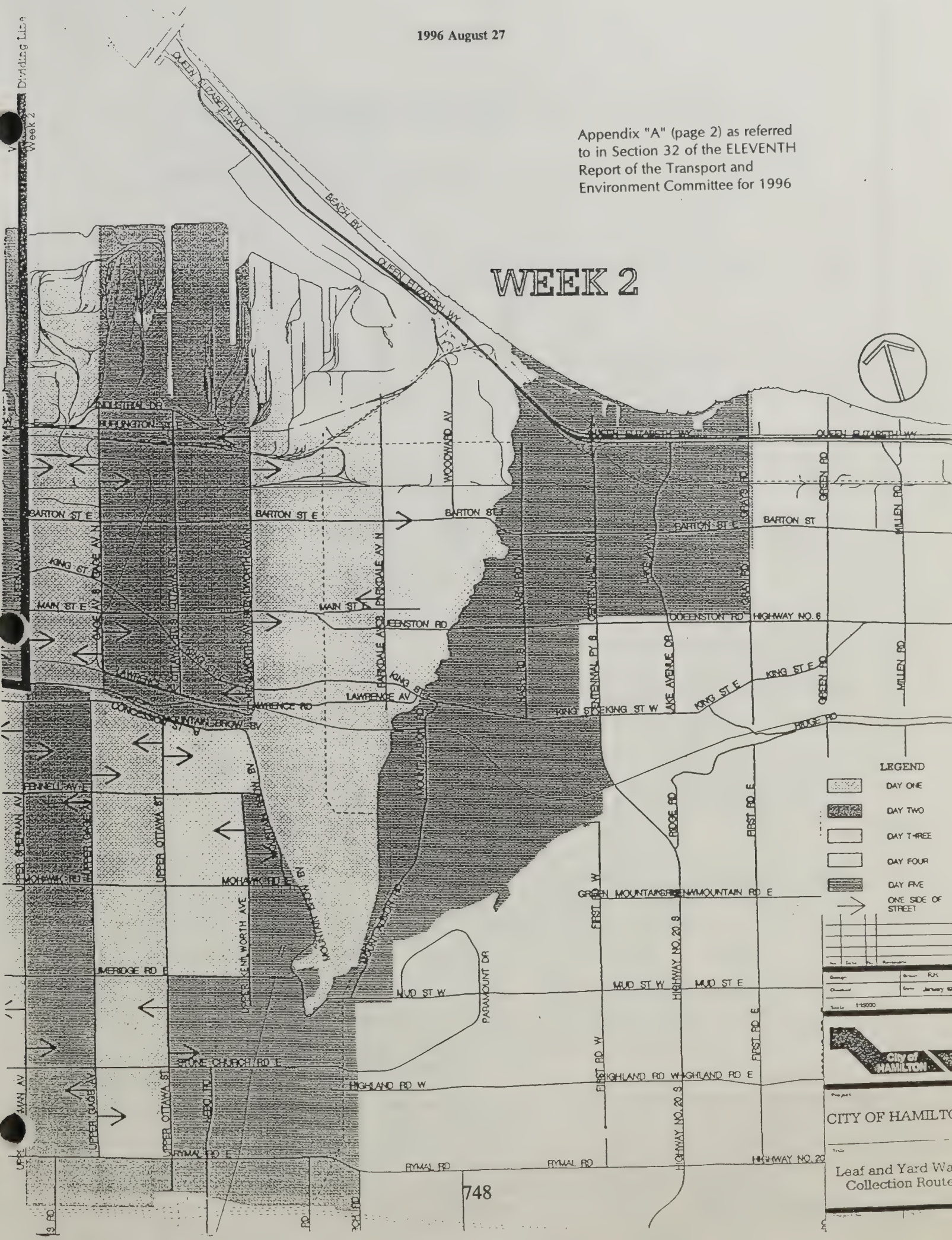
- DAY ONE
- DAY TWO
- DAY THREE
- DAY FOUR
- DAY FIVE
- ONE SIDE OF STREET

Design	Draw	RJK
Checked	Draw	January 1996
Scale	1:15000	



CITY OF HAMILTON

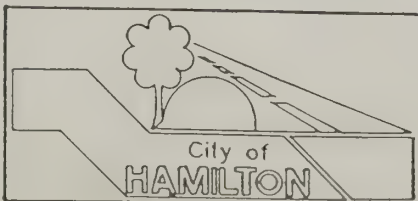
Leaf and Yard Waste Collection Routes



Appendix "B" as referred to
in Section 32 of the ELEVENTH
Report of the Transport and
Environment Committee for 1996



SIZE APPROX. 16" (.40 m) DIAMETER



Project **LEAF & YARD WASTE
COMPOSTING PROGRAM**

Title **DECAL FOR OTHER PUBLIC
WORKS VEHICLES**

Date **SEPT. 1**

Scale **N.T.S.**

Dwg. No.

REPORT OF THE PARKS AND RECREATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Parks and Recreation Committee presents its **ELEVENTH** Report for 1996 and respectfully recommends:

1. (a) That approval be given to the Director of the Culture and Recreation Department to deaccession the three dimensional objects from Dundurn Castle's collection that are listed on Appendix "A" attached hereto; and,
 - (b) That the deaccessioned items listed above be disposed of according to the Museum Policy and City of Hamilton Purchasing Policy; and,
 - (c) That any funds realized from the possible sale of these objects be deposited into the Conservation of Collections Account (No. CH57406 71505) for future preventive care and treatment of Dundurn Castle artifacts.
2. (a) That approval, as required by Parks By-law No. 95-126, Sections 16 and 23, be given to Remax Realty Inc. to provide hot air balloon rides at Sackville Hill Park on 1996 Friday, September 20 and Saturday, September 21, in conjunction with the Hospitality and Tourism Show, subject to the following:
 - (i) That insurance, in the amount of \$3 million, Comprehensive General Liability Insurance for Property Damage and Bodily Injury, subject to cross-liability, severability provisions and thirty (30) days notice of cancellation be provided; and,
- (b) That approval, as required by Parks By-law No. 95-126, Sections 16 and 23, be given to Jump & Bounce Inc. to provide a children's activity centre at Sackville Hill Seniors' Centre on 1996 Saturday, September 21, in conjunction with the Hospitality and Tourism Show, subject to the following:
 - (i) That insurance, in the amount of \$2 million, Comprehensive General Liability Insurance for Property Damage and Bodily Injury, subject to cross-liability, severability provisions and thirty (30) days notice of cancellation, be provided.

3. That in respect of the lawn bowling clubhouse and related greens (on the grounds of the Hamilton Psychiatric Hospital) owned by the Province,
 - (a) That the City approve the Mount Hamilton Lawn Bowling Club's request to join with the Club in leasing the lawn bowling clubhouse and greens from the Province for a lease renewal term of ten years. Rent is the annual sum of \$5 per year plus all building maintenance and green costs, including utilities, insurance, lighting, water and security; and,
 - (b) That prior to the City executing the said lease renewal as co-tenant with the Club, that the Club enter into a cost sharing agreement with and satisfactory to the City to confirm, as between the City and the Club, the obligations and the costs under the Lease, to be assumed and performed by each of the co-tenants.
4. (a) That approval, as required by Section 11 Parks By-Law No. 95-126, be given to Slo-Pitch Ontario and Labatt Breweries of Ontario to sell alcoholic beverages at Turner and Globe Parks, August 30 to September 1 and September 6 to September 8, in conjunction with the 1996 Slo-Pitch Provincial Championships, subject to the following terms and conditions:
 - (i) That proof of insurance be provided in the amount of \$5 million for Comprehensive General Liability, Property Damage, Bodily Injury and including Liquor Liability, subject to cross-liability and severability provisions, naming the City as additional insured; and,
 - (ii) That the applicant assume responsibility for all labour charges associated with the event (set-up, dismantling, clean-up, etc.); and,
 - (iii) That alcoholic beverages be served in a confined and fenced area of the Park; and,
 - (iv) That the applicant adhere to the regulations stipulated by the Liquor Licence Board in the provision of alcohol; and,
 - (v) That a Special Duty Officer as deemed necessary by the Hamilton-Wentworth Regional Police be provided at the applicant's expense; and,
 - (vi) That the Concessionaire at Globe Park be contacted to make the necessary arrangements for the provision of food at that location; and,

- (vii) That the organizers and their workers who are providing alcoholic beverages be encouraged to participate, in server intervention training; and,
- (b) That the Liquor Licence Board of Ontario be advised that the City of Hamilton deems the 1996 Slo-Pitch Provincial Championships to be of municipal significance.

Recorded vote on 4(a).

YEAS: Acting Mayor Merling, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Collins, Charters, Anderson, D'Amico, Ross. -15

NAYS: Alderman Jackson. -1.

CARRIED.

- 5. (a) That Council approve a minor change in the scope of work for the capital project Dundurn Castle Phase II, Stables Conversion on the understanding that no additional capital funds will be required as the additional work will be financed from savings, totalling \$131,251 from other elements of the overall Dundurn Castle Restoration project, trust accounts and from interest attributable to grants received from senior levels of government for the project; and,
 - (b) That the following Capital Accounts be closed: CF719141002 (Dundurn Castle, Phase I, \$9,352), CF719355010 (Dundurn Castle Restoration Study, \$2,545) and CF719141008 (Dundurn Castle Phase I, Cockpit Theatre Restoration, \$22,806); and,
 - (c) That the Finance and Administration Committee recommend the method of financing; and,
 - (d) That staff be authorized to increase the Purchase Order for Taylor Hazell Architects a maximum of \$13,000 (additional fees are currently being negotiated) to compensate for additional scope of work and the increased construction value of the project.
- 6. (a) That the Director of Culture and Recreation be authorized to implement the Revised Public-Private management option of the Business Plan for the Chedoke Winter Sports Park as outlined in Appendix "B" attached hereto for a one year period ending in fiscal 1997; and,

- (b) That the Director of Culture and Recreation be directed to report to the Parks and Recreation Committee relative to the success of the Business Plan.

Recorded vote.

YEAS: Aldermen Kiss, Caplan, Agro, McCulloch, Morelli, Copps, Eisenberger, Collins, Jackson, Anderson, D'Amico, Ross. -12

NAYS: Acting Mayor Merling, Aldermen Drury, Wilson, Charters. -4. **CARRIED.**

- 7. (a) That an Offer to Purchase (Easement), duly executed by Hamilton Hydro Electric System on 1996 July 19 and scheduled to close on or before 1996 October 15, concerning lands municipally described as No. 96 Mary Street, being part of Beasley Park at the north-east corner of Mary and Wilson Streets legally known as part of Lots 1, 2, 3, 4 and 24, Registered Plan 255 and Part of Alley closed by Judge's Order Instrument No. 58400CD, for a 3.0 metre wide easement for underground concrete box ducts enclosing hydro-electric cables a minimum of 0.91 metres (3 feet) below grade, be approved and completed and the funds derived from this sale of \$22,000 be credited to Account No. CH4X501 00102; and,
 - (b) That the required deposit cheque in the amount of \$2,200 (10% of total price) be held by the City Treasurer pending Council approval; and,
 - (c) That Regional Surveys be authorized to prepare a plan for the proposed easement, as required for registration; and,
 - (d) That the Mayor and City Clerk be authorized and directed to execute the necessary documents.
- 8. That the Director of Culture and Recreation and the City Solicitor be authorized to meet with the owner of J.A. Enterprises to renegotiate certain terms and conditions, but not the duration, of the contract between the J.A. Enterprises and the City of Hamilton for the operation of the restaurant at Chedoke Civic Golf Courses.
- 9. (a) That the bid from the internal staff team to manage and operate the Chedoke Twin Pad Arena indicating a Net Loss of \$17,120 over the next three years be accepted, as the best qualified and lowest net cost proposal to the City when compared to bids from PROFAC Management Group Ltd. (loss of \$354,969) and Bassai Limited (loss of \$62,094) as submitted in response to a Request for Proposal process; and,

- (b) That acceptance be contingent upon verification that the Collective Agreement will not need to be amended to permit this proposal.

10. That the Commissioner of Public Works and Traffic be directed to discontinue the naturalization program on the north side of Scenic Drive between the west limit of the Chedoke Hospital property and the west entrance of the Bruce Trail, at Gage Park and at Father Sean O'Sullivan Park.

Recorded vote.

YEAS: Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Eisenberger, Collins, Jackson, D'Amico, Ross. -11.

NAYS: Acting Mayor Merling, Aldermen Copps, Wilson, Charters, Anderson. -5.
CARRIED.

Respectfully Submitted,

Kevin C. Christenson
Secretary

ALDERMAN F. EISENBERGER, CHAIRMAN
PARKS AND RECREATION COMMITTEE

1996 August 20

Appendix "A" as referred to
Section 1 of the ELEVENTH Report
of the Parks and Recreation
Committee for 1996

1983.56.1	Chair
OC.548.16	Wood pole
OC.549.11	Wood pole
OC.549.1a	Wood pole
OC.548.1a	Wood pole
979.OC.26.1	Wooden display piece
1983.57.17a-p	furrier's sewing machine
OC.336.18	Fireman's Ribbon
OC.336.17	Fireman's Ribbon
OC.1122.1b	Bronze howda
OC.1122.1a	Bronze elephant teapot
OC.557.1	Souvenir toy canoe paddle
979.OC.333.3	Flax heckle
1979.20.8a & b	Sock stretchers
1970.127.3	Wood fragment
979.OC.376.2	Wood fragment
OC.391.10.1	Metal wall brackets
OC.391.10.2	Metal wall brackets
OC.391.8	Handcuffs
OC.348.7	64 oz. weight
OC.348.9	Handcuffs
OC.630.1	Handcuffs
T979.416.1	Hand forged implement
OC.1159.1	Heavy door lock
979.OC.333.2	Flax heckle
T474.701.1	Handmade tool
T979.680.1	Handmade tool
T979.180.1	Handmade tool, brass, mahogany
T979.664.1	Spring?
1979.23.3.2b	Wrench
T979.129.1	Handmade tool
T979.205.1	Small scraper
T979.723.2	Brass ferule
T979.712.1	Profile board
1970.108.1	Chipped ironstone bowl
1970.152.1	Brass curtain rod finial
1970.151.1	Brass escutcheon
1970.156.1	Wooden finial
1970.153.2	Large cast iron shelf brackets
1970.153.1	Large cast iron shelf brackets
1970.177.1	Cast iron bracket
1970.139.1	Piano stool
OC.668.3	2 gas wall sconces

979.OC.533.1	Frame
979.OC.546.1	Frame
1976.13.1	T square (Hendrie)
OC.21.1	Horsehide trunk
OC.940.1	Large embroidered tapestry
979.OC.7.1	Hair wreath with frame
979.OC.426.4	Large frame
979.OC.269.14	Oval Frame
979.OC.41	Framed hair wreath
OC.304.2	ships wharf model
OC.306.2a	City hotel model
OC.306.3a	burning house model
OC.306.1	Burlington Heights model
OC.302.1	Smiths Tavern model
OC.303.3a	Trolley car model
OC.303.2	wagon/horse model
OC.302.3a	country scene model
OC.305.1	Church model
OC.304.1	Train model
OC.303.1a	Trolley wagon model
OC.305.2	Dundurn model
OC.302.4a	Fountain model
979.OC.6.1	Framed feather flowers
1992.13.1 & .b	Gas light fixture
OC.345.1	Carousel model
18	Trunk
1985.101.15	Silver mounted buggy whip
979.OC.17.1	Framed folk wooden carving 1888
979.OC.108.1	Wooden frame
979.OC.42.83	Wooden frame
OC.708.1	Frame
OC.232.1	Frame
979.OC.396.1	Egg collection
979.OC.9.1	Dried flower wreath
979.OC.11.1	Wool flower wreath
979.OC.2.1	Wool embroidered wreath
979.OC.428.2	Frame
979.OC.428.1	Frame
1968.13.1	Metal bathtub
OC.316.1	architectural segment
OC.298.1	model cabin
OC.940.1	embroidered textile
	horse hair trunk
OC.471.1a,b	wardrobe with drawer
OC.37.1	musical instrument
968.1?2a	head board

2 victorian dressers (#'s not accessible)
 1971.177b,a crock pot
 1970.131.1 board
 979.0C.12.1 feather wreath
 1976.11.56a,b men skates
 1976.11.33a,b men skates
 1983.56.1 wooden chair
 1979.663.1 metal spike
 1979.654.1 metal spike
 1979.661.1 metal spike
 0C.710.1 fireplace metal bracket
 0C.710.2 fireplace metal bracket
 1979.5.1 farm implement (partial)
 0C.343.2 piano stool
 1970.136.1 basket
 1970.136.2 basket
 1980.2.1 doll buggy
 1970.133.1 hall stand
 0C.34.3.1 piano stool
 T979.744.1 farm implement
 1979.20.6 farm implement
 T979.633.1 blacksmith tool
 T979.710.1 blacksmith tool
 T979.708.1 blacksmith tool
 T979.647.1 blacksmith tool
 T979.706.1 blacksmith tool
 T979.660.1 blacksmith tool
 0C.445.34b wood spindle
 0C.445.40 spinning wheel part
 0C.445.35 spinning wheel part
 0C.445.40 spinning wheel part
 0C.340.1 child's three wheel bicycle
 1983.56.2 hall chair
 0C.458.1 furniture fragment
 0C.700.1 wooden decorative fragments
 0C.700.2 wooden decorative fragments
 0C.655.1 wooden artifact with turning device
 0C.445.32 wool winder part
 0C.445.20 wool winder part
 979.0C.24.1 bust of unidentified man
 0C.358.1a clock
 979.0c.371.7 tortoise shell calling card case
 1976.11.58a quiver
 1978.11.58e to h arrows
 0C.1.1 piano and parts
 0C.381.22.1-6 wooden brackets

0C.381.4.1-12	wooden curtain rings
0C.381.2.1-28	wooden curtain rings
0C.381.23.1-20	wooden curtain rings
0C.381.8.1-9	wooden curtain rings
0C.381.5.1-43	wooden curtain rings
0C.381.1.1-12	wooden curtain rings
0C.381.19.1	brass curtain ring
0C.381.10.1	end piece to curtain rod
0C.381.21.1	curtain rod finial
0C.381.7.1	curtain rod finial
0C.381.7.2	curtain rod finial
0C.381.11.1-5	brass curtain rings
0C.381.12.1-4	brass curtain rings
0C.381.13.1-6	brass curtain rings
0C.381.14.1-4	brass curtain rings
0C.381.15.1-6	brass curtain rings
0C.381.17.1,2	brass hardware
0C.381.18.1-10	brass hooks
0C.381.9.1	brass curtain ring
0C.381.6.1-12	wooden curtain rings
0C.381.3.1-41	wooden curtain rings
1969.572	wall mound electric light
0C.445.1	spinning wheel part
0C.445.2	spinning wheel part
0C.445.19	spinning wheel part
979.33.26	curtain rod holders
979.33.16	curtain rod holders
979.32.1-15	wooden curtain rings
979.3.5.1	curtain rod bracket
979.3.5.2	curtain rod bracket
979.3.4.1	curtain rod bracket
979.3.4.2	curtain rod bracket
979.3.1.1	large curtain rod rings

Chedoke Winter Sports Park

Executive Summary Appendix "B" as referred to in Section 6 of the ELEVENTH Report of the Parks and Recreation Committee for 1996

Background

Council, at its meeting of 1995 March 28 consolidated responsibility for the management and operation of the Ski Hill facility within the Department of Culture and Recreation and instructed the Director to prepare a Business Plan that was based on a break even budget for consideration prior to the start of the 1996/97 season.

In preparing the plan staff have reviewed the operations of various private and municipally operated ski hill facilities within neighbouring municipalities.

The Ski Hill operation is an important and significant recreation resource. In resort terminology, Chedoke is a "breeder" resort - this is a local resort which has great accessibility, less expensive and is basically for learning and training.

Current Operational Approach

In assessing the current operation, two principles should be kept in mind: the need to ensure that the ski hill operates at a reasonable cost, and the community wishes to ensure that the ski hill is operated with tow and rental rates that are accessible to as many of its citizens as possible.

It is very clear that the previous method of operation with the 5 partners and the shared responsibility between 3 departments made it extremely difficult to operate the ski facility in a cost effective manner.

In 1995 the realigning of the decentralized management from three civic departments, Public Works, Culture and Recreation and Property into one single management/administration has enabled the Culture and Recreation Department to define the inefficiencies.

The method of operation involves a partnership between the City and four private sector partners. The concession operation has been contracted out to a private restaurant/caterer operator. The Golf Pro/Manager who operates as a business is responsible for the administration. In addition, the Ski Lessons and Ski Rentals are operated by private partners. Each is responsible for the administration and operation of the lessons and ski rentals.

The food concessionaire pays a fixed rental and applicable commercial and retail taxes to the City. In turn the operator is free to conduct business, responsible for all expenses and is able to retain all revenues.

The Golf Pro/Manager receives a fixed sum to manage the ski operations from December 1 to March 31, responsible to sell tow tickets and ski packages, collect fees and prepare the required financial statements. In addition, within that fixed sum is compensation for wages and benefits for part-time temporary employees required for the issuing of tow tickets, ski packages and monitoring the ski hill operations.

With respect to the Ski Lesson operator and the Ski Rental operator, the City receives a fixed sum for each participant registered in the lesson program and a percentage of the profit from the rental operator.

There is no contractual agreement, only a verbal agreement which has never been revised or formalized. Overhead costs which include the provision of space in the clubhouse for the ski rentals, the lesson program administration and phone are the responsibility of the City.

City staff maintain the slopes and clubhouse and are responsible for the day-to-day operation of the lifts, at City expense. The City receives all revenues generated from tow tickets and ski packages. In 1995 the net cost of the ski operations was approximately \$362,535.

The ski season is not a long one and the hours of operation are very limited.

The current labour arrangement provides for full time unionized staff transferred on a seasonal basis between Public Works, Parks Division and Culture and Recreation. Approximately 63% of the total expenditure is attributed to staff salaries and benefits.

Schedule A contains a 5 year comparative budget analysis based on actual expenditures.

Schedule B identifies the costs and participation breakdowns including cost per hour to operate, cost per participant to the City, hourly cost of the operation and the rate of subsidy to the City.

Schedule A - Actuals

Year	Public Works-Parks Division Expenses	Culture & Recreation Expenses	Property & Maintenance Expenses	Total Operating Expenses	Total Revenue	Net Operating Expense	% Revenue to Total Operating
1991	461,678	24,158	32,175	518,011	49,965	468,046	9.7%
1992	434,520	25,000	21,709	481,229	41,614	439,615	8.7%
1993	443,675	17,454	28,876	490,005	114,162	375,843	23.3%
1994	406,470	7,918	31,503	445,891	110,156	335,735	24.7%
* 1995	50,838	393,127		443,965	81,430	362,535	18.3%
* 1996		440,170		440,170	87,525	352,645	19.8%

* The Public Works Expenses in 1995 reflect overhead costs that occurred prior to the transfer of the operations into a single management structure within the Culture and Recreation Department.

* Based on 1996 projected actuals.

Schedule B

	1995 Actuals	1996 Projected Actuals
Total # of Skier Visits	12,059	15,000
# of operational days	37 days	52 days
# hours of operation	259	400
# of Skier Visits per day	326	289
Average number of participants per hour	46.5	37.5
Total Operating Cost	\$443,965	\$440,170
Total Revenue	\$81,430	\$87,525
Net Operating Cost	<u>\$362,535</u>	<u>\$352,645</u>
Net Cost per Hour	\$1,399.71	\$881.62
Gross Cost per Participant	\$36.81	\$29.35
Avg. Skier Visits per Hour (Revenue)	\$6.75	\$5.84
Per Hour Cost being Subsidized	\$30.06	\$23.51
Rate of Subsidy	81.7%	80.1%

The current operation is heavily subsidized. Predominant users are children and youth, if we keep consistent with the overall Departmental approach to pricing at 50% subsidy level we still have a ways to go to achieve this. If we take the same view for Adults consistent with the overall Departmental approach which is to achieve a break even, it shows we are along way from this. Consideration will have to be given to what the market can bear and the break even objective may be delayed over a longer period and a phase-in approach will have to be considered. The full costing approach developed by David M. Griffith and Associates and incorporated into the Corporate User Fee Policy recommends an overall annual increase of 10%.

The current operational review provides the framework and guidance necessary to address the cost recovery and cost effectiveness of the operations.

A Proposed Vision for the Chedoke Winter Sports Park

Chedoke Winter Sports Park provides an opportunity within the heart of the City for the local community to enjoy the outdoors during the winter months. Activities include: downhill skiing for beginner and experienced skier, cross country skiing, tobogganing, skating, hiking and a cozy warm clubhouse. Aggressive program development, marketing and careful management of the operation has increased participation.

The adoption of an aggressive business plan in 1996 will enable the ski hill to be operated with minimum subsidy from City taxpayers by 1999. City staff, with the private sector partners have combined efforts to ensure first class conditions and outstanding customer service.

Operational Options

Central to the formulation of the Business Plan is a principled decision as to whether the City of Hamilton should be in the business of operating a ski hill facility. Inherent in Council's decision to seek a plan to achieve a break even budget is a position that it is prepared to stay in the business only if does not need to apply Property Tax income to subsidize the operation of the facility. If this cannot be achieved, our assumption is that Council would be prepared to seek a private operator or close the operations totally.

Both municipally and privately operated ski hill facilities are evident in the area and across the Province. Traditionally, it has been the role of the civic ski hill facility to provide low cost access to skiing, in effect serving a different market segment from the larger ski resorts. Learn to ski and training for the experienced skier are seen as the primary objectives of civic ski hills.

As the prime vehicle for the coordination and delivery of sport and recreation opportunities the Culture and Recreation Department would appear to be well-positioned to manage the operations. Municipally operated ski hill facilities are prevalent, North York Ski Centre and Etobicoke-Centennial Park are examples of cities where civic staff manage their own operations.

To be sure, other models exist. The City of Vaughan has contracted out the management of its municipal golf and ski operation.

Schedule H at the end of this report highlights other municipal operations.

Our goals in preparing the ski hill business plan have been:

- To manage all expenses
- To increase revenues
- To identify what hampers revenues

The following provides Committee with an opportunity to evaluate 4 different options: one the existing public-private partnership; two privatization of the ski hill facility; three a revised public-private operation and four is to close the operation totally.

Analysis of the Options

#1 *Existing Public-Private Partnerships*

Under this proposal, the City would continue to operate the Ski Hill facility under the existing public-private partnerships but fair market value would be charged for the use of facilities by the private operators of the lessons and rentals.

The concession operation would continue the current method of operation which involves a contract with private restaurant/caterer operator. The contract involves the payment of fixed rentals and applicable commercial and retail taxes to the City. In turn the operator is free to conduct business, responsible for all expenses and able to retain all revenues.

The Golf Pro-Manager who operates as a business receives a fixed sum from the City to manage the ski operations from December 1 to March 31. Within the fixed sum is compensation for wages and benefits for part-time staff to assist with the daily administration and monitoring of ski hill operation.

The Ski Lesson and Ski Rental operators and the City would enter into agreements that would be consistent with fair market value for space required, applicable property and business taxes and utilities. In addition they would assume costs for phones and other related services they require to carry out their business. In return the City would realize an additional estimated increase in revenue of \$10,000.

City staff maintain the slopes and clubhouse and are responsible for the day-to-day operation of the lifts, at City expense. The City receives all revenues generated from tow and ski packages. In 1995 the total operating costs was \$443,965, revenue was \$81,430 resulting in a net cost of \$362,645.

Our review revealed that this is the least cost effective option. Under this proposal the maximum cost recovery achievable is 25-30%, the City would continue to incur substantial costs. This is not a good business operation as it limits the City's opportunities; the organizational structure hampers our capacity to increase revenues and control expenses; restricts our ability to manage expenses and expenses are likely to increase at a greater rate than revenue; revenue increases limited to tow and ski package fees.

#2 *Privatization*

Committee could choose to seek a private operator through a Request for Proposal Process. It is possible that this approach could guarantee a higher return to the City through a guaranteed payment for the right to operate and through the initiation of payment of commercial and retail taxes. Staff assume that the value of the contract would be proportional to the degree of freedom granted to the contracted firm relative to lift fees and maintenance standards. Staff are of the belief that under the current operation, with the current revenues, expenses and as a stand alone operation, a private operator may not be willing to step in. In partnership with the municipal golf courses, staff are of the belief that there would be multiple bidders, thereby, guaranteeing a full and competitive process. To be sure this model exists, the City of Vaughan contracts out the maintenance and management of its ski and golf operation.

Under the terms of Collective Bargaining Agreement, staff may not be laid off, therefore they would have to be reassigned and salary base transferred. Salary and Wages represent an estimated 58% of the current

budget and operating expenses 42%. Privatization of the operation would result in a savings of approximately 42% to the Corporation. Further savings could be achieved through the layoff of staff currently employed within the operation.

Finally, savings within the capital budget could be achieved should the private sector operator be required to finance all capital improvements. There are two capital works projects within the 1996-2005 Capital Program; one is a lighting enhancement project scheduled in 2002 for \$62,000 and the second is a ski improvement project scheduled in 2003 for \$279,000.

A number of issues were identified regarding the privatization of the facility:

- We would be looking at a new operator as the current partners are not in a position or willing to step in to take over the operation.
- Current contract with food concessionaire, private operator would probably want the concession operation.
- An aging capital infrastructure in need of upgrading and replacement.
- An uncertain customer base.
- Uncertain weather conditions.

The following schedule estimates the cost benefit of a privatized operation.

	Based on 1996 Budget Estimates
Operating Savings	\$184,430
Capital Savings	\$341,000
	<u>\$525,430</u>

#3 *A Revised Public - Private Operation*

Our review revealed that the operation has the ability to minimize the property tax income needed to subsidize the operation. The implementation of a revised public-private operation will provide a smooth transition to for the skiing community.

In all other recreation venues we are approaching the break even level for adult use, mitigated only by what the market can bear. With respect to children the 50% subsidy level is consistent with the overall Departmental approach to pricing. This approach is logical as we review the objective to achieve a break even position and assist with understanding the net cost under a revised public-private operation. The primary user of the ski hill facility is children. As a "breeder" resort geared to learn to ski, our main focus is on children's program, they are the major user for both recreational skiing and the lesson program.

We would anticipate a net cost under the Departmental approach with the understanding to minimize these costs with the goal to achieve a break even position. This will be accomplished by both annual user fee increases, as incorporated in the Corporate User Fee Policy and an increase in skier visits.

As an alternative to the current management system the following were seen as issues to achieving the break even position.

a) Management Structure

Under this proposal, the private concessionaire and the Golf Pro/Manager would continue to operate under the current format and all other services would come under the control of the City. All revenues from tow tickets, lessons and special interest programs come fully under the control of City staff. In discussions with Mr. McCaughey, Chedoke Ski School the net proceeds will cover his salary and wages and generate an operating surplus that will enhance the financial position of the ski hill operation. The Ski Equipment Rentals would come under the control of the City in two years, for the interim a private operator through the request for proposal process would operate the rentals and assume all costs for the ski rental inventory.

We believe this relationship will improve the overall operation by more closely aligning the operations and program priorities.

b) Extending Ski Season and Hours of Operation

It is clear, if the ski hill is to operate at a break even objective or a significantly reduced loss, it must be open for longer hours and more days in the season.

We have the ability to extend the planned season to 10.5 weeks (commencing Dec. 18th until March 1) from the 8.6 weeks (Jan 1 to March 1) and increase the hours of operation from 35 hours to 50 hours per week. This maintains the current 5 day a week operation but extends the hours to include afternoons and Saturday and Sunday evenings. This approach is balancing the needs of operation with the manpower requirements and cost effectiveness. Naturally, the season is weather permitting.

Under this proposal, revenue generating opportunities increase through daytime availability, additional recreational skiing hours, increase in number of lessons/rentals, Christmas packages for adults and children and special events.

c) Organization of Manpower

Our review revealed that under our current organizational structure, salaries and benefits accounts for approximately 58% of total expenses.

The staff employed to the ski hill operation are unionized staff. The basic hourly rate and the number of staff as snowmakers, groomers and mechanics is similar to that of other ski operations in the area of full time staff. However, all other ski operations use part time staff to perform lift operation functions, at a significantly lower rate (\$6.00 - \$8.00/hour) than the \$17.00 our unionized tow operators receive.

Currently, we are experiencing a high rate of labour for low skilled jobs. Methods to address this are cross training and student labour.

Labour costs are higher than industry standards, if zero is the target labour costs must be lowered. In order to reduce per hour operating costs accommodation of part time employees or students is a must. Further negotiations and dialogue with union leaders is critical to achieving a cost effective operation.

We are proposing a modified operation which combines full time staff for the snowmaking, grooming and mechanical functions and part time staff or students for the tow operation. This method of operation is compatible with most facilities, especially where the objective is to break even (North York, Etobicoke). This modified operation is geared to prime time hours and high participation yet reduces the salary and

wage budget by some \$51,000. With part time staff, the operation has the flexibility to be a 5 - 7 day a week operation and in the event that conditions do not permit opening or there is limited skiing, the schedule can be modified accordingly. Part time staff are on call, something our current structure does not permit. The hours and schedule maximize a variety of programs and revenue generating opportunities while reducing our operating expenses through the use of part time staff.

The modified operation is the most advantageous to achieving a substantially reduced net cost to the City or a break even position.

The following comparison schedule provides an outline of labour costs.

	Options	# of Full Time Staff	# of Part Time Staff	Salary & Wage Budget	Hours of Operation	
#1	Current Operation - 35 hours/week for 8.6 weeks	22 10 snowmakers/ groomer/mechanic \$148,811 12 Tow Operators \$95,125		\$243,936	Mon - closed Tues - closed Wed - 3 - 10 pm Thurs - 3 - 10 pm Fri - 3 - 10 pm Sat - 9am - 4pm Sun - 9am - 4pm	total man hrs - 12,336
#2	Modified Operation - 50 hours/week for 10.5 weeks - Part time student labour @ \$7.50/hr	10 snowmakers/groomer/ mechanic \$148,811	50 10pt tow operators per day for 5 days \$7.50x55x10x10.5wks \$43,313	\$192,124	Mon - closed Tues - closed Wed - 1 pm - 10pm Thurs - 1pm - 10pm Fri - 1pm - 10pm Sat - 9am - 9pm Sun - 9am - 8pm	total man hrs - 13,063

d) Other Related Operating Expenses

In addition to the salary, wage and benefit expenditures, the operation requires additional funds to maintain the operations ie: heating and hydro, rental of snow grooming equipment, etc. These costs although variable are budgeted at \$184,430 and represent 42% of the budget. With the increase in hours and operating days it is expected these costs will remain relatively the same.

Schedule F at the completion of the Executive Summary outlines the total expenditures.

e) Lift Rates and Fees

Our primary usage is in the area of "learning to ski". Our present tow ticket structure does not lend itself to support this area.

Staff have reviewed a time ticket system for public skiing that offers unlimited runs during the period purchased and believe this would be well received by the skiing community. Skiers have the option to ski under a number of tow choices. It provides for better customer service and the opportunity to increase participation.

The introduction of a Senior tow ticket is new and the full day lift ticket increases slightly for both adults and children.

	1 HOUR	2 HOURS	4 HOURS	FULL DAY
Junior	\$4.00	\$8.00	\$10.00	\$14.00
Adult	\$5.00	\$10.00	\$12.00	\$17.00
Seniors (60 yrs. +)	\$4.00	\$8.00	\$10.00	\$14.00

Season Passes

After a review of the ski packages, it is recommended we reinstate season passes. Pass sales are key revenue generators and can be a great marketing tool to entice the regular users and increase skier visits. The pass fees are comparable with the ski packages for adults and children with the addition of a senior and family pass.

Full Season	before November 15	after November 15
Junior (under 18 yrs)	\$100.00	\$110.00
Adult	\$120.00	\$132.00
Senior (60 yrs.+)	\$ 50.00	\$ 60.00
Family	\$275.00	\$300.00

f) Lesson Program

The in-house operation of the lesson program will enable a co-ordinated and efficient program along with increased revenue potential. It will enable control of revenues, expenses and ensure the quality of program. In discussion with Mr. McCaughey, Chedoke Ski School, the net proceeds will cover his salary and wages and generate an operating surplus that will enhance the financial position of the ski hill operation.

The lesson program is the primary focus of the ski hill operation. It is the principle user and further revenue opportunity exists through the extended hours.

By establishing an in-house operation, increasing hours and the extended season we are able to provide an efficient and cost effective service while achieving our objective of minimizing the net costs to the City.

Comparison of proposed lesson fee structure

Lesson Program	1996 Private Operator	1997 City Operated
Children	\$70.00/7 wks City realizes \$18.00/registrant	\$75.00/7wks - City realizes full amount
Teens	\$75.00/7wks City realizes \$24.00/registrant	\$80.00/7wks - City realizes full amount
Snowboards	\$75.00/7wks City realizes \$24.00/registrant	\$80.00/7wks - City realizes full amount
Ladies	\$65.00/6wks City realizes \$24.00/registrant	\$70.00/6wks - City realizes full amount
Adults	\$105.00/7wks City realizes \$24.00/registrant	\$110.00/7wks - City realizes full amount

Schedule H

The following highlights of the operations of other municipalities.

Ski Area	Glen Eden	Vaughan - Uplands Ski Centre Privatized Operation - Management Agreement	Etobicoke - Centennial Park	North York - North York Ski Centre	Hamilton - Chedoke Winter Sports Park
Ski Season	- early Dec. - late Mar. (12 to 16 weeks)	- mid-Dec. until after Mar. Break (12 weeks)	- mid-Dec. until after Mar. Break (12 weeks)	- mid-Dec - mid-Mar (12 weeks)	- late Dec until Mar 1 (8.6 weeks)
Hours of Operation	- 7 day operation - Mon - Fri 10:00am - 4:30pm 6:30pm - 10:00pm Sat. 8:30am - 4:30pm 6:30pm - 10:00 pm Sun. 8:30am - 4:30pm closed evening Total hours - 70	- 6 day operation - Mon - closed Tues - Fri 10:00am - 10:00pm Sat & Sun 8:30am - 6:30pm Total hours - 68	- 7 day operation - Mon 4:00pm - 9:30pm Tues-Thurs. 10:00am - 9:30pm Fri 10:00am - 10:00pm Sat 9:00am - 10:00pm Sun 9:00am - 9:00pm Total hours - 77	- 7 day operation - Mon - Fri 10:00am - 9:30pm Sat 9:00am - 9:30pm Sun 9:00am - 8:00pm Total hours - 81	- 5 day operation - Mon & Tues closed Wed - Fri 3:00pm - 10:00pm Sat & Sun 9:00am - 4:00pm Total hours - 35
Concession Operations	- In-house - operate on a 25% profit Revenues \$200,000 Expenses 140,000 Profit \$ 60,000	- management agreement - private concessionaire - no return to City	- In-house - Year Round Concession - Winter Operation realizes a profit of \$35,000	- private operator - limited menu (chips, chocolate bars, pop, etc) - current revenues \$7,700 - intend to bring back in-house	- private operator/year round contract (Golf/Ski) - revenue portion for winter operations approximately \$8,000
Lessons	- private concessionaire under contract. - concessionaire receives a negotiated fixed sum per lesson - lift tickets built into lesson package - fees make up 66% of applicable lift ticket rates on a pro rated basis Glen Eden receives 17% of profits	- management agreement - private - no return to City	- In-house - over 2,200 registered in group lessons - Have a very big Bd of Ed program Revenue \$215,000 Expenses 84,350 Profit \$130,737 - Lessons \$80.00 for 8 weeks Equipment Rental fees \$ 45.00 for the 8 weeks - private \$26.00/hr & semi-private \$40.00/hr lessons	- In-house Revenue \$300,000 Expenses 75,000 Profit \$225,000 - 80 certified part time seasonal instructors/coaches/snowboard - large Bd of Ed. program 3,000/week - 2,700 participants in group lessons Total Revenue \$28,790	- Private operator - current understanding includes a flat fee paid to City per registrant Children \$18.00 per registrant Adult \$24.00 per registrant Revenue to City for ski school is \$21,630 - Disabled Skiers pay a flat fee of \$1,000 - Racing Club includes a flat fee of \$80.00 per registrant Revenue from Racing Club \$6,160 Total Revenue \$28,790
Rentals	- In-house - 50-60% return on rentals - turn over 25% of inventory through sales each season - labour costs do not exceed 30% Revenues \$250,000 Expenses 88,000 Profit \$162,000	- management agreement - private - no return to City	- In-house - available for 2,4 or 8 hrs. - rental rates junior for 2 hrs. \$7.00 to adult for 8 hours \$15.00 Revenues \$83,475 Expenses 34,889 (\$18,000 new equipment costs) Profit \$48,586	- In-house - 400 full sets/10- 15snowboards Revenue \$200,000 Expense 50,000 Profit \$150,000 - operations includes 12 part time staff/ \$8,000 spent for new inventory Total Revenue \$9,667	- Private operator - current understanding is the operator pays 50% of the net profits to the City Revenue to the City \$9,667 Total Revenue \$9,667

Municipalities facility'comparison - cont'd

Ski Area	Glen Eden	Vaughan - Uplands Ski Centre	Etobicoke - Centennial Park	North York - North York Ski Centre	Hamilton - Chedoke Winter Sports Park
Lift Ticket Fees	- Junior and Adult rates - 1/2 day and full day rates to - \$16.00 - \$24.00 - 1/2 day junior full day weekend adult	- established by private operator	- Time Ticket System for Public Skiing offers Unlimited Runs for time purchased - Tow tickets for 1/2/4/8 hours - Junior - 1 hr \$4.00/ 8 hrs. \$14.00 Adult - 1 hr \$5.00/8 hrs. \$17.00	- Junior and adult rates - hourly rates for 1/2/4/8/8 - junior rates \$7.00/1 hr. - \$18.00/8 hrs. - adult rates \$8.00/1 hr. - \$20.00/ 8 hrs.	- Junior and Adult Rates - full day rates only weekdays - \$10.00 junior/\$12.00 adult - 1/2 day and full day rates (weekends) - 1/2 day junior \$10.00/\$12.00 adult - full day junior \$12.00/\$15.00 adult
Season Passes	Yes - offer early bird pre season rate - adult/student/junior/family passes - \$215.00 junior - \$405.00 adult family pays per member - option for weekday pass only Senior \$90.00/Junior \$135.00 Adult \$265.00 - Passes key revenue generators	Yes	Yes - Junior \$100.00 - Adult \$135.00 - Senior (60+) \$30.00 (50 senior season passes issued)	Yes - offer early bird pre season rate - junior/stud/adult/senior passes - \$114.00 senior early bird to \$261.00 for adults - also available are passes for mid week and nights only	No - provide ski packages of 10 tickets - Children \$90.00/Adult \$100.00
Staffing	- Full time - 11 (snowmakers, mechanics, groomer) - \$18.25/hr. - Part time - 200 (lift attendants) - \$7.50/hr. - 1 full time person responsible for Marketing	responsibility of the private operator	- Full time - 9 (1 snowmaker & 1 labour/shift-3 shifts) \$17.22/hr. (3 supervisors also assigned other responsibilities) - Part time - 31 (tow operators) \$6.85/hr.	- Full time - 6 (\$16-\$17/hr) (snowmakers, lift maintenance) - Supervisor 1 (\$18.00/hr) - Part time - 120 (tow operators/ rental staff/ticket takers (\$7.00- \$9.00/hr.)	1996 August 27 - Full time staff only - 26 (\$17.00/hr.) (10 snowmakers, 1 mechanic & 12 tow operators) - 2 Supervisors - The Golf Pro/Manager provides 4 part time as ticket takers and hill monitors
Volunteers	Yes - Hill hosts receive free skiing must work 15 hr/wk.	No	No	Yes - to patrol hills/receive complimentary lift ticket	No
		Under the Management Agreement - profit goes to capital improvements to the facility - there are no budgeted costs to the Town of Vaughan			

g) Special Interest Programs

In addition to the lesson program two secondary programs operate within the program schedule. Chedoke Racing Club and Hamilton Association for Disabled Skiers (HADS).

- *Chedoke Racing Club* participants under the current fee structure pay a flat fee of \$80.00 per participant. It is proposed that there be no change in the administration and operating relationship but the fee to the City be increased to \$100 per participant. With this fee comes the opportunity for the registrants to ski for the evening at no additional costs. The program operates three times a week.
- *HADS* pays the City a flat fee of \$1,000 for one evening a week of skiing. It is proposed that the administration and operation along with flat fee remain the same.

Schedule F provides the proposed revenue details for the lesson and special interest programs.

h) Ski Equipment Rentals

As an alternative the current arrangement where a private operator provides the ski equipment rental. We are proposing that this component of the operation come fully under the control of City staff but not for a 2 year period. Operationally and principled with the need to minimize the net cost to the City and the timeframe of the Golf Course Business Plan, it would be in the best interest financially to maintain the operations through a private operator. Estimated capital investment (180 - 200 complete sets) to purchase the required inventory of skis, boots and poles is \$40,000. A private operator through a Request for Proposal Process is proposed. Staff are of the belief that there would be multiple bidders, thereby guaranteeing a full and competitive process.

Staff assume that the value of the contract would be proportional to the degree of freedom granted to the contracted firm relative to fees and maintenance standards. The draft budget included as Schedule F indicates that a net profit of \$20,000 is possible for 1997.

At the end of the two year period the ski rental operation and the capital investment could be assessed with the view to come fully under the control of City staff, resulting in increased revenue.

i) Development of a Comprehensive Marketing Program to increase Skier Visits

The City has not marketed the ski hill operation in a focussed and coordinated fashion. In conjunction with the new time ticket system and the learn to ski program, an aggressive ad campaign locally and as part of the Region's tourism strategy has the capability of generating an increased number of skier visits.

j) Daytime School Lesson Program

Inherent in the daytime hours is opportunity to provide a program aimed at attracting the Boards of Education. This area both in terms of daytime use and a school program has not been emphasized in the recent past. The extended hours provides an ideal opportunity to provide this program. The relationship with the local and neighbouring boards and ski hill operation provides the potential for a positive partnership in the development of a learn to ski program and experience. A complete package which includes tow ticket, rental and lesson for \$12.00 is cost effective for both the schools and provides a revenue opportunity for the City.

k) Capital Investment in Upgrading Equipment

The current equipment is old and operable but lags behind other competitors. If there is any one area to consider upgrading, it is our snowmaking equipment in order that we can make snow at moderate temperatures or near freezing temperatures.

We are proposing to review the capital investments at the completion of the two year period, with a view to develop a capital program at that time.

l) Volunteers

Our review revealed that volunteers can play a role in the operations. Monitors, hill hostesses provide the vehicle towards a positive approach in the area of customer service. A program of complimentary tow tickets are the means to enlist the support of volunteers.

m) Financial Picture resulting from a Revised Public-Private Operation

The following *Schedule (F)* restates the budget inclusive of applicable costs and new revenues generated by the new management structure. It provides a reasonable basis for analysis the with current operation, a comparable municipal operation and lastly a budget inclusive of applicable indirect costs and Corporate overhead. In this way all costs are reported, thereby providing a reasonable basis for analysis with private sector operations.

In conclusion a revised public-private operated facility over time provides the foremost opportunity to continue the operation, improve the delivery of program and over time achieve a cost effective operation with minimum cost the the City.

#4 Closure of the Ski Hill Operations

In the event that City is not willing to go forth with any of the above options, the operation should be closed. Given the terms and conditions of the staffing, the potential savings from the closure of the ski hill would have to be partially offset due to our requirement which brings seasonal staff over from Public Works, Parks Division. These staff would have to be reassigned and salary base transferred, this would result in a savings for operating expenses of approximately 42% only, as salary and wages represent an estimated 58% of the budget. Further savings could be achieved through the layoff of staff for what would be the ski hill season, this would represent a full savings. The only associated costs required would be for the utilities and maintenance of the clubhouse during this downtime. These costs would be nominal. The private concessionaire and the Golf Pro/Manager's present contracts would need to be readdressed to reflect this closure.

Finally, savings within the capital budget could be achieved should closure occur. Some capital could be reclaimed by the sales of owned capital equipment.

The following schedule estimates the cost benefit of a full closure of the operation. The indirect and corporate overhead costs in the amount of \$116, 564 would be reassigned across other services within the Culture and Recreation Department,

	Based on 1996 Budget Estimates	Based on 1996 Budget Estimates - Base Salary for Staff Transferred
Operating Savings	\$184,430	\$184,430
Salary and Wage Savings	\$255,740	
<i>Total Operating Savings</i>	<i>\$440,170</i>	<i>\$184,430</i>
Loss of Revenue	81,430	81,430
Capital Savings	\$341,000	\$341,000
	<u>\$862,600</u>	<u>\$606,860</u>
Revenue from sale of capital equipment	\$50,000	\$50,000
<i>Total Net Savings</i>	<u><i>\$912,600</i></u>	<u><i>\$656,860</i></u>

Conclusion

The term of Ski Hill operation should correspond with the Municipal Golf Business Plan timeframes. To be consistent with the wishes of the Committee to have all related contracts terminate at the same time, it is recommended that Option #3 A Revised Public-Private Operation be implemented. As the completion of the Golf Contracts (two years), Committee will have the opportunity to evaluate and select its preferred longer term operations strategy for the Ski Hill operation.

Schedule F

Comparison of a Draft Budget against the current approach and similar municipal operations

	Proposed City Operated	Current Operational Approach	North York Ski Centre	Etobicoke Centennial Park
Season	10.5 weeks	8.6 weeks	12 weeks	12 weeks
Operational days	52 days	37 days	84 days	84 days
Hours of Operation per week	50 hours	35 hours	81 hours	77 hours
Manpower	Full Time - 10 Part Time - 50 (tow operators)	Full Time - 22	Full Time - 12 Part Time - 200 (tow operators/lesson instructors)	Full Time - 21 Part Time - 150
Concession Operations	Private Operator	Private Operator	Private Operator - (plan to bring back in-house)	In-house
Lessons	In-house	Private Operator	In-house	In-house
Rentals	In-house	Private Operator	In-house	In-house
School Program	yes	no	yes	yes
Financial Picture				
Expenses: Salary & Wages	\$192,124	\$243,936	\$532,086	\$305,300
Operating Expenses	\$184,430	\$184,430	\$232,093	\$93,700
Golf Pro/Manager	11,800	11,804		
Total Gross Cost	<u>\$388,354</u>	<u>\$440,170</u>	<u>\$764,179</u>	<u>\$399,000</u>
Revenues: Tow Tickets/ Season Passes	\$80,000	\$37,910		\$98,924
Lessons & Special Interest Programs (revenue over cost)	In-house \$70,207	Private Operator \$28,830		In-house \$218,149
Rentals	Private Operator (2 yrs) \$20,000	Private Operator \$9,667		In-house \$97,650
School Program (revenue over cost)	In-house \$13,830			Yes - included with Lesson Program Revenue
Concessions	Private Operator \$8,000	Private Operator \$8,000		In-house \$40,000
Total Revenues	<u>\$192,037</u> 49.4%	<u>\$84,407</u> 19.2%	<u>\$700,000</u> 91.6%	<u>\$425,089</u>
Net Cost	<u>\$196,317</u> <u>50.6%</u>	<u>\$355,763</u> <u>80.8%</u>	<u>\$64,179</u> <u>8.4%</u>	Profit of <u>\$26,089</u>
Applicable indirect costs and Corporate Overheads costs	\$116,564	\$116,564		

Schedule G

Schedule G identifies the draft budget costs and participation breakdowns of Option #3. The following includes: cost per hour to operate, cost per participant to the City, hourly cost of the operation and the rate of subsidy to the City.

	1997
Total # of Skier Visits	17,000
# of operational days	52 days
# hours of operation	525
# of Skier Visits per day	327
Average number of participants per hour	32
Total Operating Cost	\$388,354
Total Revenue	\$192,037
Net Operating Cost	<u>\$196,317</u>
Net Cost per Hour	\$373.94
Gross Cost per Participant	\$22.84
Avg. Skier Visits per Hour (Revenue)	\$11.36
Per Hour Cost being Subsidized	\$11.48
Rate of Subsidy	50.6%

REPORT OF THE PARKS AND RECREATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Parks and Recreation Committee presents its **TWELFTH** Report for 1996 and respectfully recommends:

1. That the Chief Administrative Officer and Senior Management Team bring in or resurrect a budget package to address the naturalization program (which was implemented in 1992 and 1996) for the 1997 budget deliberations.

Respectfully, Submitted,

**ALDERMAN F. EISENBERGER, CHAIRMAN
PARKS AND RECREATION COMMITTEE**

Tina Agnello, Acting Secretary

1996 August 27

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Planning and Development Committee presents its **THIRTEENTH** Report for 1996 and respectfully recommends:

1. (a) That approval be given to amended Zoning Application 95-01, Chambers Group, owner, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for Blocks "1" and from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District - modified for Blocks "2" & "3", for lands located at the rear of 1170 - 1180 Upper James Street, shown on the attached map marked as Appendix "A", on the following basis:
 - (i) That the amending By-law apply the holding provisions of Section 36(1) of the planning Act, R.S.O., 1990, to the subject lands by introducing the holding symbol 'H' as a suffix to the proposed Zoning Districts. The holding provision will prohibit the development of Blocks "1" & "3" until such time as a Plan of Subdivision has been submitted and approved by the Region of Hamilton- Wentworth and the holding provision will prohibit the development of Block "2" until such time as a Plan of Subdivision has been submitted and approved by the Region of Hamilton-Wentworth and a landscape plan has been submitted and approved by the Director of Planning and Development Department.

City Council may remove the 'H' symbol, and thereby give effect to the "C" District provisions as stipulated in this By-law, by enactment of an amending By-law once these conditions are fulfilled; and
 - (ii) That Block "1" be rezoned from "AA" (Agricultural) District to "C" - 'H' (Urban Protected Residential, etc. - Holding) District; and,
 - (iii) That Blocks "2" & "3" be rezoned from "AA" (Agricultural) District to "C" - 'H' (Urban Protected Residential, etc. - Holding) District; and,
 - (iv) That the "C" (Urban Protected Residential, etc.) District regulations, as contained in Section 9 of Zoning By-law No. 6593, applicable to Blocks "2" and "3", be modified to include the following variances as special provisions:

- (1) That notwithstanding Section 9.(3)(ii), a side yard of a width of not less than 2.4 m shall be provided and maintained along the entire southerly lot line of Block "2"; and,
 - (2) That a landscape area not less than 2.4 m in width shall be provided and maintained along the entire southerly boundary of Block "2", where the lot adjoins a commercial district; and,
 - (3) That notwithstanding Section 9. of Zoning By-law No. 6593, only a 4.52 m planting strip, shall be permitted on Block "3"; and,
 - (v) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Section S-1366, and the subject lands on Zoning District Map W-9B be notated S-1366; and,
 - (vi) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-9B for presentation to City Council; and,
 - (vii) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area; and,
 - (viii) That the approved Kernighan Neighbourhood Plan be amended by redesignating the subject lands from "Commercial" to "Single and Double Residential" upon finalization of the implementing By-law.
 - (b) That Site Plan Control By-Law No. 79-275 as amended by By-Law No. 87-223 be amended by adding Block "3" of the subject lands to Schedule "A".
2. (a) That approval be given to amended Zoning Application 96-08, 712169 Ontario Ltd. (G. Malatesta), owner, requesting a change in zoning from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse - Maisonette) District, modified, to permit development for a maximum of seven townhouse dwelling units, for lands located at No. 1232 Upper Gage Avenue, as shown on the attached map marked as Appendix "B", on the following basis:

- (i) That the subject lands be rezoned from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse - Maisonette) District; and,
- (ii) That the "RT-20" (Townhouse - Maisonette) District regulations as contained in Section 10E of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:
 - (1) That notwithstanding Section 10E.(7)(a)(i) not more than 7 single-family dwelling units shall be permitted; and,
 - (2) That notwithstanding Section 18A(14g), the required parking area may be located in a required front yard; and,
 - (3) That notwithstanding Section 18A(25), the access driveway shall be located not less than 1.5 m from the southerly side lot line, and not less than 1.5 m from the westerly rear lot line, for a distance not to exceed 3.0 m; and,
 - (4) A visual barrier not less than 1.2 m in height and not greater than 2.0 m in height shall be provided and maintained along the entire westerly rear lot line; and,
 - (5) Provided the adjacent lands abutting the southerly side lot line are utilized for single-family residential purposes, a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height shall be provided and maintained along the entire southerly side lot line.
- (iii) That the amending By-law be added to Section 19B of Zoning By-law No 6593 as Schedule S-1365, and that the subject lands on Zoning District Map E-38B be notated S-1365; and,
- (iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-38B for presentation to City Council; and,
- (v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and,

- (b) That the approved Randall Neighbourhood Plan be amended to redesignate the rear portion of the subject lands from "Single & Double" to "Attached Housing".

Recorded vote on section 2.

YEAS: Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Collins, Charters, Jackson, D'Amico, Ross. -14.

NAYS: Acting Mayor Merling, Aldermen Anderson. -2. **CARRIED.**

- 3. That approval be given to Zoning Application ZAC-95-04, Mike & Gus Holdings Ltd., owners, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District to permit the use of the subject land for single family dwellings, for property located west of West Fifth Street, south of the proposed Mountain Freeway and north of Chester Street, as shown on the attached map marked as Appendix "C", on the following basis:

- (a) That the subject lands be rezoned from "AA" (Agricultural) District to "C"-'H' (Urban Protected Residential, etc. - Holding) District; and,
- (b) That the amending By-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O. 1990, to the subject lands, by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision will prohibit the development of the subject lands until such time as a Plan of Subdivision has been submitted and approved by the Region of Hamilton-Wentworth.

City Council may remove the 'H' symbol, and thereby give effect to the "C" District, provisions as stipulated in the By-law by enactment of an amending By-law once the condition is fulfilled; and,

- (c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1367, and that the subject lands on Zoning District Map W-9B be notated S-1367; and,
- (d) That the Director of the Planning and Development Department be directed to prepare a By-law in a form satisfactory to the City Solicitor to amend Zoning By-law No. 6593 and Zoning District Map W-9B for presentation to City Council; and,

- (e) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
4. A. (a) That Subdivision Application SAC-95-02, Ontario Realty Corporation, requesting approval of a draft plan of subdivision, on lands located on the northside of Stone Church Road West, east of Garth Street at the easterly limits of Brigadoon Drive, comprising of 22 lots for single detached dwellings, 35 lots for small lot single detached dwellings, 4 blocks for future development with adjacent lands as single detached dwellings, a block for a 0.30 m reserve, a blocks for road widening purposes, and a block to be developed with adjacent lands for a school site in, under Regional File 25T-95011, as shown on the attached map marked as Appendix "D", be approved on the following basis:
- (i) That this approval apply to the plan, as revised in red, prepared by Ontario Realty Corporation and certified by B.J. Clarke, O.L.S., dated March 22, 1995, showing 22 lots for single detached dwellings (Lots 1-15 inclusive and Lots 51-57 inclusive), 35 lots for small lot single detached dwellings (Lots 16-50 inclusive), 4 blocks for future development with adjacent lands as single detached dwellings (Blocks 59-62 inclusive), a block for a 0.30 m reserve (Block 64), a block for road widening purposes (Block 58), and a block to be developed with adjacent lands for a school site (Block 63); and,
 - (ii) That the Owner acquire the necessary lands to establish Street "A" to its full width of 26.0 metres; and,
 - (iii) That the Owner dedicate 12.0 x 12.0 metre day-light triangles between the widened limits of Stone Church Road West and Street "A" to the City of Hamilton; and,
 - (iv) That the Owner establish a 2.0 x 2.0 metre day-light triangle at the intersection of Greywood Road and Lot 16; and,
 - (v) That the Owner establish a 9.0 metre radius transitional curves at each end of the 15.0 metre radius elbow on Greywood Drive in the vicinity of Lots 7 to 11; and,
 - (vi) That the Owner establish Brigadoon Drive at 20.12m from the existing westerly limits of the subdivision to the westerly limits of Street "A"; and,

- (vii) That the Owner establish Greywood Road at 20.12m from the westerly limits of the subdivision to Brigadoon Drive; and,
- (viii) That the Owner dedicate Street "A", Street "B", the extension of Brigadoon Drive and the extension of Greywood Drive to the City of Hamilton at the time of registration of the Final Plan of Subdivision; and,
- (ix) That the draft plan be revised with the daylight triangles and street radii changed to the hard metric conversions to the satisfaction of the Manager of Development, Regional Environment Department; and,
- (x) That the centreline radius of Brigadoon Drive opposite Greywood Road intersection be increased to 250m; and,
- (xi) That sufficient lands (Block 58) be dedicated to the Region by Certificate on the Final Plan of Subdivision, to establish the property line 15.24m from the centreline of the original Stone Church Road West road allowance; and,
- (xii) That the Owner establish Court "B" to a width of 20.12m; and,
- (xiii) That Street "A" be established and constructed to its full width during the first phase of development to provide arterial road access to this neighbourhood; and,
- (xiv) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority; and,
- (xv) That the frontage outside the daylight triangle for Lot 1 be a minimum of 4.5m in width (3.0 m single vehicle access with side yard setback) and that access be constructed at the northern limits of the lot outside the Region's daylight triangle; and,
- (xvi) That Blocks 59, 60, 61, 62 and 63 on the red-line revised plan, must be developed in conjunction with adjacent lands; and,
- (xvii) That the owner agree, in writing, not to apply for building permits for Blocks 59, 60, 61, and 62 until such time as the adjoining lands are merged in title to complete the ultimate configuration of these future lots; and,

- (xviii) That Block 63 be merged in title with the adjoining property; and,
- (xix) That the streets be named to the satisfaction of the City of Hamilton; and,
- (xx) That the Owner prepare and submit, to the satisfaction of the Director of Planning and Development, a municipal street numbering plan; and,
- (xxi) That the final plan conform with the Zoning By-law approved under the Planning Act; and,
- (xxii) That the Owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block and the gross area of the subdivision in the final plan; and,
- (xxiii) That the Owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes; and,
- (xxiv) That the Owner shall erect a sign in accordance with Section XI of the subsequent agreement, prior to the issuance of a final release by the City of Hamilton; and,
- (xxv) That the Owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton; and,
- (xxvi) That the Owner enter into Subdivision Agreements with the City and Region prior to development of any portion of these lands; and,
- (b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (25T-95011), Ontario Realty Corporation, owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council; and,
- (c) That the City Clerk be directed to advise the Regional Commissioner of Planning and Development of Council's decision; and,

- (d) That the approved Gourley Neighbourhood Plan be amended to add the public highway shown as Court "B" and that Lots "35" to "57" inclusive, on the draft plan of subdivision be redesignated from "Attached Housing" to "Single & Double" upon Draft Plan Approval of the Plan of Subdivision.
- B. That amended Zoning Application ZAC-95-12, Ontario Realty Corporation, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District (Block "1") and "R-4" (Small Lot Single - Family Dwelling) District, (Block "2"), for lands located on the northside of Stone Church Road West, east of Garth Street at the easterly limits of Brigadoon Drive, as shown on the attached map marked Appendix "E", be approved for the following basis:
 - (a) That Block "1" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District; and,
 - (b) That Block "2" be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single - Family Dwelling) District; and,
 - (c) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1368, and that the subject lands on Zoning District Map W-17C be notated S-1368; and,
 - (d) That the Director of the Planning and Development Department be directed to prepare a By-law in a form satisfactory to the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-17C for presentation to City Council; and,
 - (e) The application complies with the City of Hamilton Official Plan.
- 5. (a) That approval be given to application SAC-95-06 (Regional File No. 25T-95007), Demetre Dekaneas, owner, to establish a draft plan of subdivision "Westview Estates", on lands located north of Rymal Road between Garth Street and West 5th Street in the Sheldon Neighbourhood, to be developed in two phases, subject to the following conditions:
 - (i) That this approval apply to the plan, as revised in red, prepared by Urbex Engineering Limited and certified by J.P. Woolley, O.L.S., dated March 22, 1995, showing 21 lots for single detached dwellings, a block for future development (Block 22), 6 blocks to be developed in conjunction with adjacent lands (Blocks 24 - 29 inclusive), a block for

road widening purposes (Block 23), 2 blocks for 0.30 m reserves (Blocks 30 and 31) and to establish two public highways (Court "A" and Court "B") (see attached Appendix "F"); and,

- (ii) That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth; and,
- (iii) That the Owner prepare and submit, to the satisfaction of the Director of Planning and Development, a municipal street numbering plan; and,
- (iv) That the owner shall erect a sign in accordance with Section XI of the subsequent agreement, prior to the issuance of a final release by the City of Hamilton; and,
- (v) That the final plan conform with the Zoning By-law approved under the Planning Act; and,
- (vi) That the Owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block and the gross area of the subdivision in the final plan; and,
- (vii) That the Owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes; and,
- (viii) That the temporary road access proposed from Court "A" to Rymal Road be designed and constructed to the satisfaction of the Director of Public Works and Traffic for the City of Hamilton and the Regional Commissioner of Transportation; and,
- (ix) That the Owner establish 0.30 metre reserves at the dead-end and open side of any road allowance within the plan of subdivision and that these reserves be transferred to the City of Hamilton upon registration of the Final Plan of Subdivision; and,
- (x) That all cul-de-sacs proposed be designed with 15.0 metre radius bulbs and 9.0 metre radius transitional curves into and out of the bulb; and,

- (xi) That the Owner provide a temporary storm water management pond, until the lands to the east are developed and storm sewer outlet is available. Such pond will be located on an easement conveyed to the City of Hamilton and will be maintained by the proponent until all the houses on Lots 1 to 18 inclusive are constructed and all lots sodded. At that time, a maintenance period of one (1) year will take effect. After the one (1) year maintenance period expires, the City of Hamilton will maintain the pond for a fixed fee, paid by the proponent, and to be pre-determined prior to the execution of the subdivision agreement; and,
- (xii) That the Owner be responsible for the construction of a sidewalk on the east side of Court "A"; and,
- (xiii) That the cul-de-sac bulb on the west side of Court "A", north of Rymal Road, must be constructed with the registration of the plan; and,
- (xiv) That the lotting and street configuration for Phase 1 be included and the lands shown as Phase 2 be only shown as a block on the plan; and,
- (xv) That the Owner is required to provide the City with the cash amount for removal of the temporary road access to Rymal Road, and all restoration related to the removal of this temporary access; and,
- (xvi) That notification should be placed on title for Lots 1 to 21 inclusive and all the Blocks stating that the temporary street access of Court "A" to Rymal Road will be removed at such time as alternative street access to these lands are provided from the east to the satisfaction of the Director of Public Works and Traffic for the City of Hamilton and the Commissioner of Transportation for the Region of Hamilton-Wentworth; and,
- (xvii) That Court "A" be established as a cul-de-sac and dedicated as a public highway to the City of Hamilton on the registered plan; and,
- (xviii) That the Owner establish Court "A" and Court "B" to its full 20.0m width and that these lands be conveyed to the City of Hamilton at the time of registration of the final plan of subdivision; and,
- (xix) That the Owner agree in writing that Development of Block 22 cannot proceed until storm and sanitary sewers and watermain are existing at the limits of the block; and,

- (xx) That the Owner agrees to not request a building permit on each of Lots 19 to 21 inclusive, until such time as each lot is no longer required for storm water management purposes, to the satisfaction of the Commissioner of the Regional Environment Department; and,
 - (xxi) That Lot 21, Block 22 and Block 29 not be registered until such time as Block 22 has direct frontage along a public highway in accordance with the requirements of the City of Hamilton Zoning By-law No. 6593; and,
 - (xxii) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority; and,
 - (xxiii) That the Owner dedicate Block 23 for road widening purposes to the Regional Municipality of Hamilton-Wentworth; and,
 - (xxiv) That Blocks 24 - 29 inclusive must be developed in conjunction with the adjacent lands; and,
 - (xxv) That the Owner enter into a subdivision agreement with the City of Hamilton prior to the development of any portion of these lands; and,
 - (xxvi) That the owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton.
- (b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (25T-95007), Demetre Dekaneas, owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council; and,
 - (c) That the Sheldon Neighbourhood Plan be amended in accordance with the proposed draft plan of subdivision "Westview Estates" to add Court "A" and that a notification be placed on the Neighbourhood Plan advising that the temporary street access of Court "A" to Rymal Road will be removed at such time as alternative street access to these lands are provided from the east to the satisfaction of the Director of Public Works and Traffic for the City of Hamilton and the Commissioner of Transportation for the Region of Hamilton-Wentworth; and,
 - (d) That the City Clerk be directed to advise the Regional Commissioner of Environment of Council's decision.

6.
 - (a) That Schedule "A" of Site Plan Central By-law No. 79-275 as amended by By-law No. 87-223 be amended by adding to it the subject lands regarding Site Plan Control Application DA-96-12 for a Tim Hortons Double Drive-Thru in conjunction with the existing Harvey's at 620 King Street West; and,
 - (b) That the City Solicitor be directed to prepare the By-law for Council's execution.
7.
 - A. That the City of Hamilton call upon the Provincial Government to leave in place the Rent Control Act, the Rental Housing Protection Act and the Landlord and Tenant Act.
 - B. But should the Province find it necessary to change the aforementioned pieces of legislation that the Minister of Municipal Affairs and Housing be advised that:
 - (a) the City of Hamilton request that the Rent Control components of the proposed Tenant Protection Package not be enacted until such time that amendments be undertaken to ensure:
 - (i) an increase in the production of private affordable rental units; and,
 - (ii) a reduction in the amount of bureaucracy, red tape and confusion associated with the establishment of three separate rent control mechanisms (existing system, negotiated system for new tenants and no regulation for new buildings); and,
 - (iii) potential tenants are protected from discrimination during the negotiation period (eg. race, sex, income, etc.); and,
 - (b) more detailed consultation with municipal building officials across Ontario is required in regard to the proposed legislative changes on property standards and maintenance; and,
 - (c) the local municipality retain control of condominium conversions. If the Province is to proceed, the following additional requirements should be included:
 - (i) a period of not less than 2 years be given for extended tenure for existing tenants in condominium conversion proposals; and,

- (ii) a majority of the existing tenants must support the condominium conversion; and,
 - (iii) the local vacancy rate be at a minimum of 2% as established by CMHC; and,
 - (d) any legislative changes affecting care homes should be done with due diligence recognizing the vulnerability of the tenants in these homes and further consultation with providers, tenants and agencies; and,
 - (e) that a copy of this report be forwarded to the Minister of Municipal Affairs and Housing to assist in the review of Tenant Protection Legislative changes.
8. That the Building Commissioner be authorized to issue a partial demolition permit for 33 Clifford Street only for the demolition of the new construction beyond the allowable building envelope in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.
9. That the Building Commissioner be authorized to issue a demolition permit for 73 Holmes Avenue in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

Recorded vote.

YEAS: Acting Mayor Merling, Aldermen Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Collins, Charters, Jackson, Anderson, D'Amico, Ross. - 14.

NAYS: Aldermen Kiss, Caplan. -2.

CARRIED.

10. That Item 3 of the Twelfth Report of the Planning and Development Committee as adopted by City Council at its meeting held 1996 July 9, be amended as follows:
- (a) That item (a)(ix) be amended by replacing the number 3 with the number 4.
 - (b) That the By-law amending Land Drainage By-law No. 80-245 as attached hereto and marked as Appendix "G" be enacted.

11. (a) That the City of Hamilton acquire the CNR land known as parcels 40708 and 40835, that abut Ferguson Avenue between Barton Street East and the CN rail line, at a total estimated cost of \$4,000 which includes fifty percent (50%) of the cost for the environmental reports on the properties, as well as one hundred percent (100%) of CNR's legal fees; and,

(b) That the \$4,000. cost be charged to the Central Beasley Account Number CF 5698 429102003; and,

(c) That the Property Department be directed to undertake the necessary steps to acquire the land.
12. That the City agree to the request of the Hamilton Harbour Commissioners to have the OMB hearing scheduled to commence November 17th, for a 2 week period, adjourned until 1997, with a date to be set satisfactory to all parties.
13. That the Building Commissioner be authorized to issue demolition permits in accordance with By-law 74-290 pursuant to Section 33 of the Planning Act, as amended:
 - (a) 336 East Avenue North
 - (b) 338 East Avenue North
 - (c) 150 Potruff Road North
 - (d) 150 Ivon Avenue
14. That City Council deny a demolition permit for 1187 West 5th Street in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.
REFERRED BACK.
15. That City Council deny a demolition permit for 1193 West 5th Street in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.
REFERRED BACK.
16. That City Council enact an Appointment By-law attached hereto and marked as Appendix "H" to authorize the appointment of Inspectors pursuant to The Ontario Building Code Act.

17. (a) That the City of Hamilton comments on the recommendations of the 1995 Regional Housing Statement Update circulated by Regional Council to the City of Hamilton on June 4, 1996, attached herewith and marked Appendix "I", be endorsed; and,
- (b) That these City of Hamilton comments be forwarded to Regional Council.
18. (a) That approval be granted to application CDM-CONV-96-001 submitted by Darko Vranich, owner, for a draft plan of condominium for property located at No. 81 Charlton Avenue East to provide for a condominium comprised of a 10 storey apartment building containing 59 individual apartment condominium units, subject to the following conditions:
 - (i) That this approval applies to the attached draft plan dated June 21, 1996 prepared by R. Avis Surveying Inc., O.L.S.; and,
 - (ii) That the owner enter into a Condominium Approval Agreement with the City incorporating these conditions of approval, including financial and other requirements of the City concerning roads, sidewalks, street lights and drainage, as the case may be, in a form satisfactory to the City Solicitor; and,
 - (iii) That prior to approval of the final plan:
 - (aa) property taxes shall be in good standing, plan of condominium shall conform with General Zoning By-law 6593 and the Official Plan; and,
 - (bb) any variances or rezoning required in respect of the draft plan of condominium shall have been approved by the Committee of Adjustment or Council, as the case may be, in order that the draft plan of condominium is in compliance with General Zoning By-law 6593; and,
 - (cc) the applicant/owner enter into an encroachment agreement with the Region for the existing armour stone retaining wall, the existing landscaping and the steps within the Charlton Avenue East road allowance. The steps must be modified to conform to the normal requirements of the Building Code; and,

- (dd) the applicant/owner enter into an encroachment agreement with the City for the existing key operated control for the underground parking garage door located within the Catherine Street South road allowance and the landscaping located within the road allowance; and,
 - (ee) the owner modify the door to the underground parking garage on Catherine Street South since the City of Hamilton Streets By-law does not permit doors to swing out over the road allowance; and,
 - (ff) the applicant/owner provide written confirmation from the Forestry Division of the City of Hamilton Department of Public Works and Traffic that the landscaping within the Charlton Avenue East and Catherine Street South road allowances conform to their requirements for street planting, with respect to species, location and motorist visibility; and,
- (iv) That the owner shall have received the Certificate of Approval from the City of Hamilton pursuant to the Rental Housing Protection Act for the conversion of the rental property to a condominium (Application CD-95-012); and,
 - (v) That the owner shall have satisfied all requirements, financial and otherwise of the Regional Municipality of Hamilton-Wentworth and that the City be advised by the Regional Municipality of Hamilton-Wentworth that this condition has been carried out to its satisfaction. The clearance letter from the Regional Municipality shall include a brief statement for each condition detailing how it has been satisfied and carried out; and,
 - (vi) That the Director of Planning and Development shall have been satisfied that the conditions of approval are fulfilled or provided for as required; and,
- (b) That the Mayor and the City Clerk be authorized to grant draft approval by signing the draft plan; and,
 - (c) That the Mayor and City Clerk be authorized to sign the final plan of condominium once the requirements herein are completed.

19. (a) That the City Solicitor be authorized and directed to prepare an amendment to By-law 84-252 to allow land to be developed for residential purposes where land in the amount equal to 5% of the area to be developed, or cash equivalent has not been conveyed to the City when a building permit has been issued prior to 1999 September 1 for the area bounded by Hunter Street, Cannon Street, Queen Street and Victoria Avenue; and,
 - (b) That the Building Commissioner and the Director of Planning and Development Department be authorized and directed to refund application fees for any official plan amendment, zoning application, site plan application, Committee of Adjustment application, building permit, demolition permit, zoning/property report and inspection fee where such fee is paid after 1996 August 27 if a building permit is issued for the property by 1999 September 1, for the area bounded by Hunter Street, Cannon Street, Queen Street, and Victoria Avenue; and, **AMENDED.**
 - (c) That the Planning and Development Department be directed to undertake a City Initiative to eliminate required parking for residential development in the area defined as Area "A" on Schedule "I" of By-law 6593 and reduce to 0.5 spaces for each Class "A" dwelling unit in the Area defined as Area "B" on Schedule "I" of By-law No. 6593 attached hereto and marked as Appendix "J" for a 3 year period.
20. That a Heritage Permit be approved for the following additions and alterations to the designated building at 10 John Street South, the former Dominion Public Building now the new Hamilton Courthouse, based on the Courthouse model pictured in schematic design, Vol.1, 1993 May; drawings prepared by Norr Partnership Limited Architects Engineers (dated 1995 May, 1995 September 13, 1995 October 24, 1995 November 6, 9, 10, 13 and 20 and 1996 May 10); and, the revised drawings attached hereto and marked as Appendix "K", "L" and "M":
 - (a) Exterior
 - (i) Addition of upper storeys: glazed penthouse and precast concrete mechanical housing coloured to match existing limestone; and,
 - (ii) New Courthouse addition on Main Street facade; and,
 - (iii) Upper steel windows either replaced to match the appearance of the original (1936) windows, or insulated; and,
 - (iv) Exterior first and second storey windows: replace glass with clear thermal panes and install new bronze glazing stops on interior; and,

- (v) Stone lintels: reattach where necessary by drilling and attaching new stainless steel anchorage and finish joints with matching mortar; and,
- (vi) New bronze and glass doors, on north, south and east elevations.

(b) Interior

- (i) Removal of marble wall and brass wickets in the heritage lobby beneath the world mosaic to allow for a new corridor opening linking the old and new buildings; and,
- (ii) Materials recovered from the new corridor opening will be reinstalled to close off the existing former Philatelic Centre opening, The new opening will be framed with bronze recovered from the "Philatelic Centre" opening; and,
- (iii) The existing opening between the heritage lobby and the proposed waiting room (former location of post office boxes) will be screened by a glass partition incorporating a bronze grille frieze.

21. That the firm of Weir and Foulds be retained to represent all the defendants in the action brought by Mark Cole in the Statement-of Claim, Court File No. 96-CU-108847, subject to a review of any potential conflict that may arise and subject to comments by the excess insurers.

22. That the following Bills be adopted, signed, sealed and enrolled as By-laws:

- (a) C-40 By-law to Amend By-law No. 95-167 to Regulate the Proceedings of the Municipal Council and Committees of the City of Hamilton.
- (b) C-41 By-law to Amend Zoning By-law No. 6593 Respecting Residential Development Requirements in the "I" (Central Business District, etc.) District.
- (c) C-42 By-law to Amend By-law No. 80-245 Respecting Land Drainage.
- (d) C-43 By-law to Consolidate By-law No. 92-094, and Amendments Thereto Respecting the Appointment of Inspectors.

- (e) C-44 By-law to Amend Zoning By-law No. 6593 Respecting Land Located at Municipal No. 18 Homewood Avenue.

Respectfully submitted,

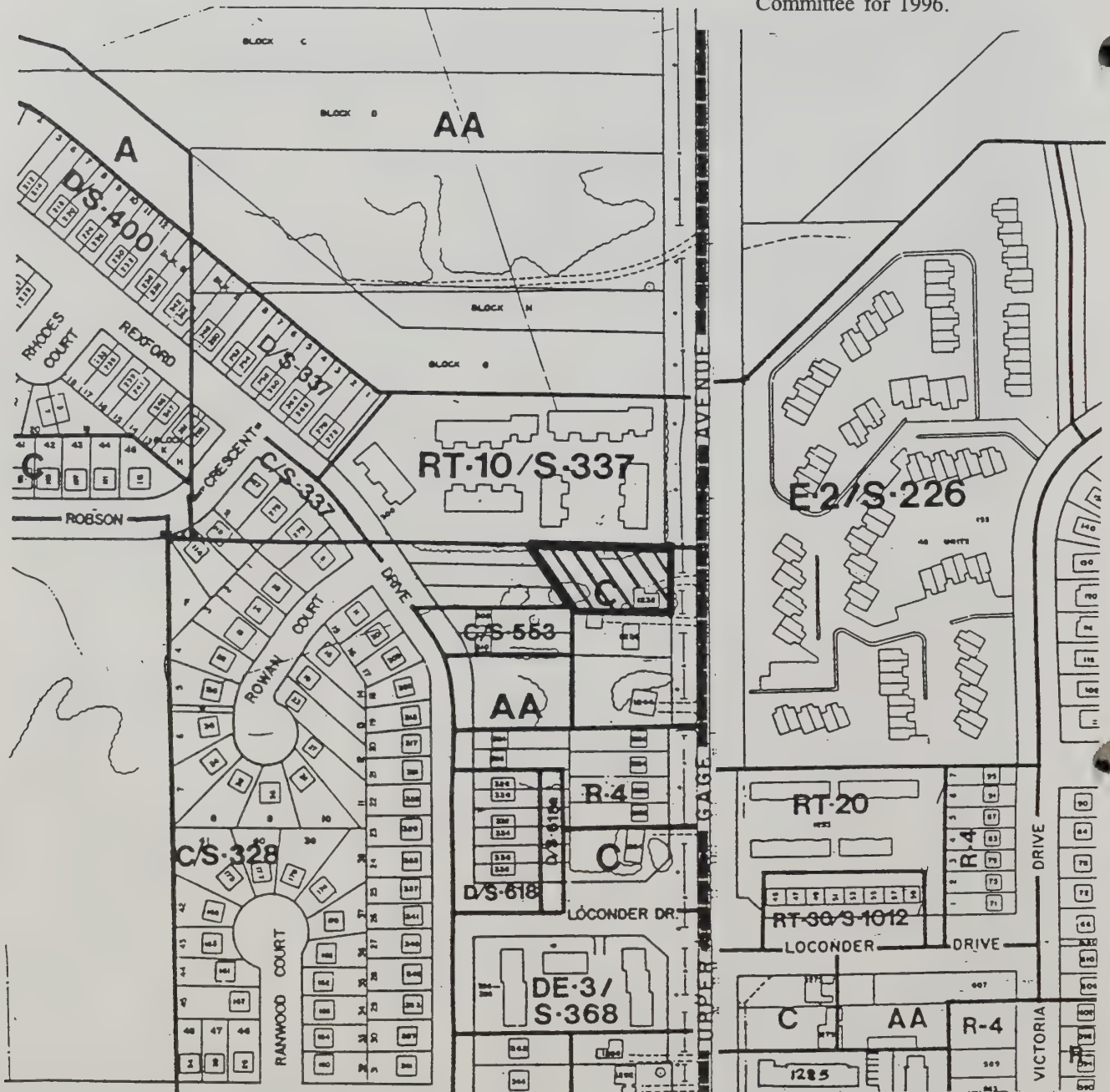
**ALDERMAN D. DRURY, CHAIRPERSON
PLANNING AND DEVELOPMENT COMMITTEE**

**Tina Agnello, Secretary
1996 August 21**



BLOCK 1		"AA" (Agricultural) District, to "C"- "H" (Urban Protected Residential, etc. - Holding) District.
BLOCK 2		"AA" (Agricultural) District, to "C"- "H" (Urban Protected Residential, etc. - Holding) District, Modified.
BLOCK 3		"AA" (Agricultural) District, to "C"- "H" (Urban Protected Residential, etc. - Holding) District, Modified.

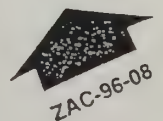


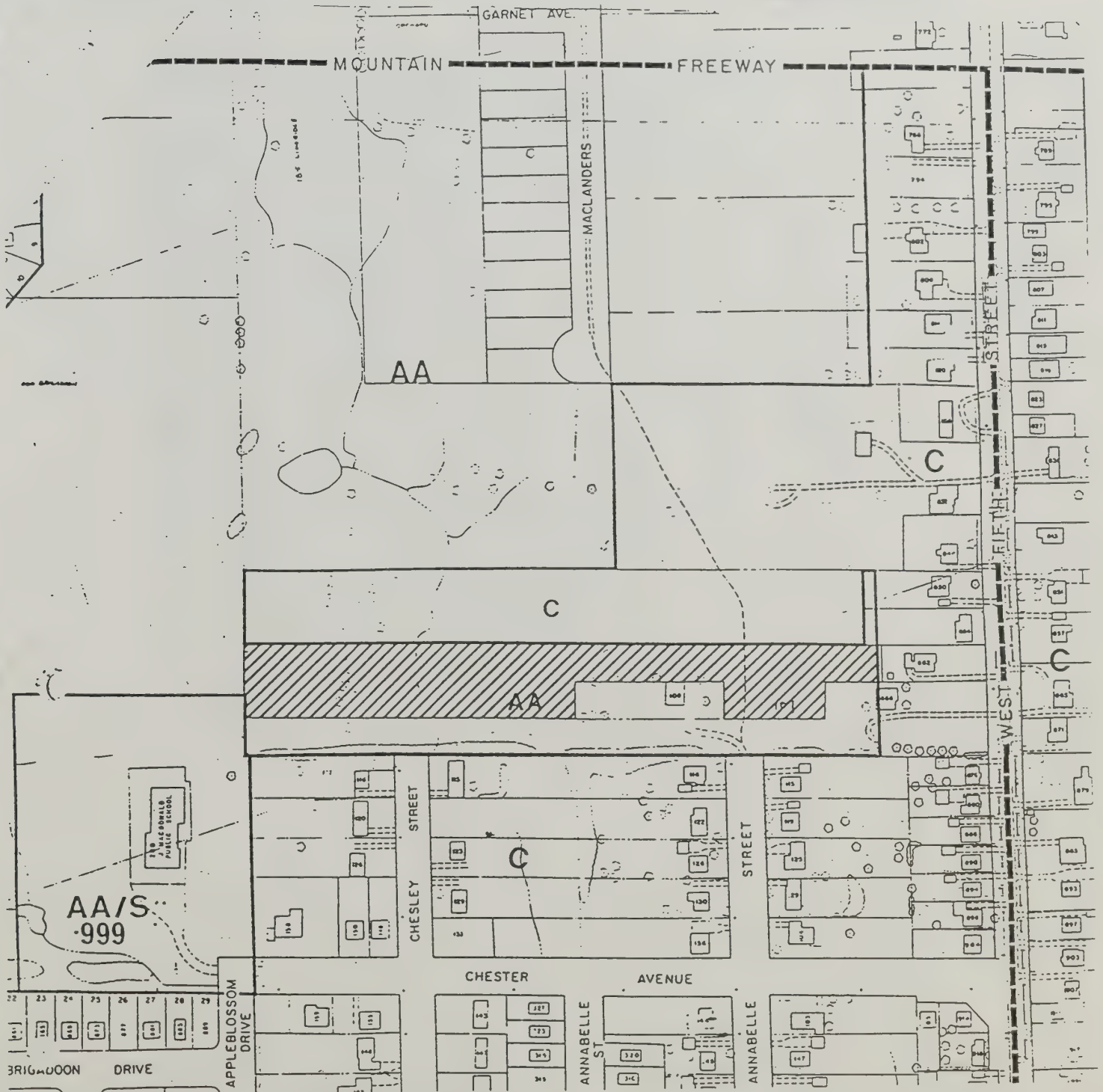


Legend



Site of the Application





Legend



Site of the Application

ZAC-95-04

REGISTERED PLAN M - 129

GLENVIEW PLACE

GREYWOOD ROAD

BLOCK DX

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GREYWOOD ROAD

BRIGADOON DRIVE

GLEDHILL CRESCENT

BLOCK CX

BLOCK WA

BLOCK AX

STREET B

STREET A

RESIDENTIAL

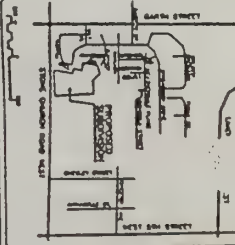
PARK

SCHOOL SITE

STONE CHURCH ROAD WEST

UNIT USE			
SCHEDULES	UNITS	MA / AC	
BASEC. DETACHED	37	2.35 / 6.23	
UNITED-1-37	1		
FUTURE DEVELOPMENT			
BASEC. 20-44.5 acres		0.14 / 0.34	
MOBILE HOME LOT 34		1.04 / 2.87	
FUTURE 100-000. 34.6		0.04 / 0.02	
MAJOR 03			
TOTAL	38	3.77 / 9.30	

DRAFT PLAN OF
SUBDIVISION
PART OF LOT 18
CONCESSION 7
IN THE GEORGINA TOWNSHIP OF SUTTON
NOW IN THE
CITY OF
HAMILTON
RECORDS DEPARTMENT OF
HAMILTON - WENTWORTH



ADDITIONAL INFORMATION

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ONHERTS AUTHORIZATION
 BE HONEST ABOUT THIS PLAN IN EVERY
 FORM FOR APPROVAL
 ONTARIO REALTY CORPORATION
 777 BAY STREET, 14TH FLOOR
 TORONTO, ONTARIO M5G 2E5

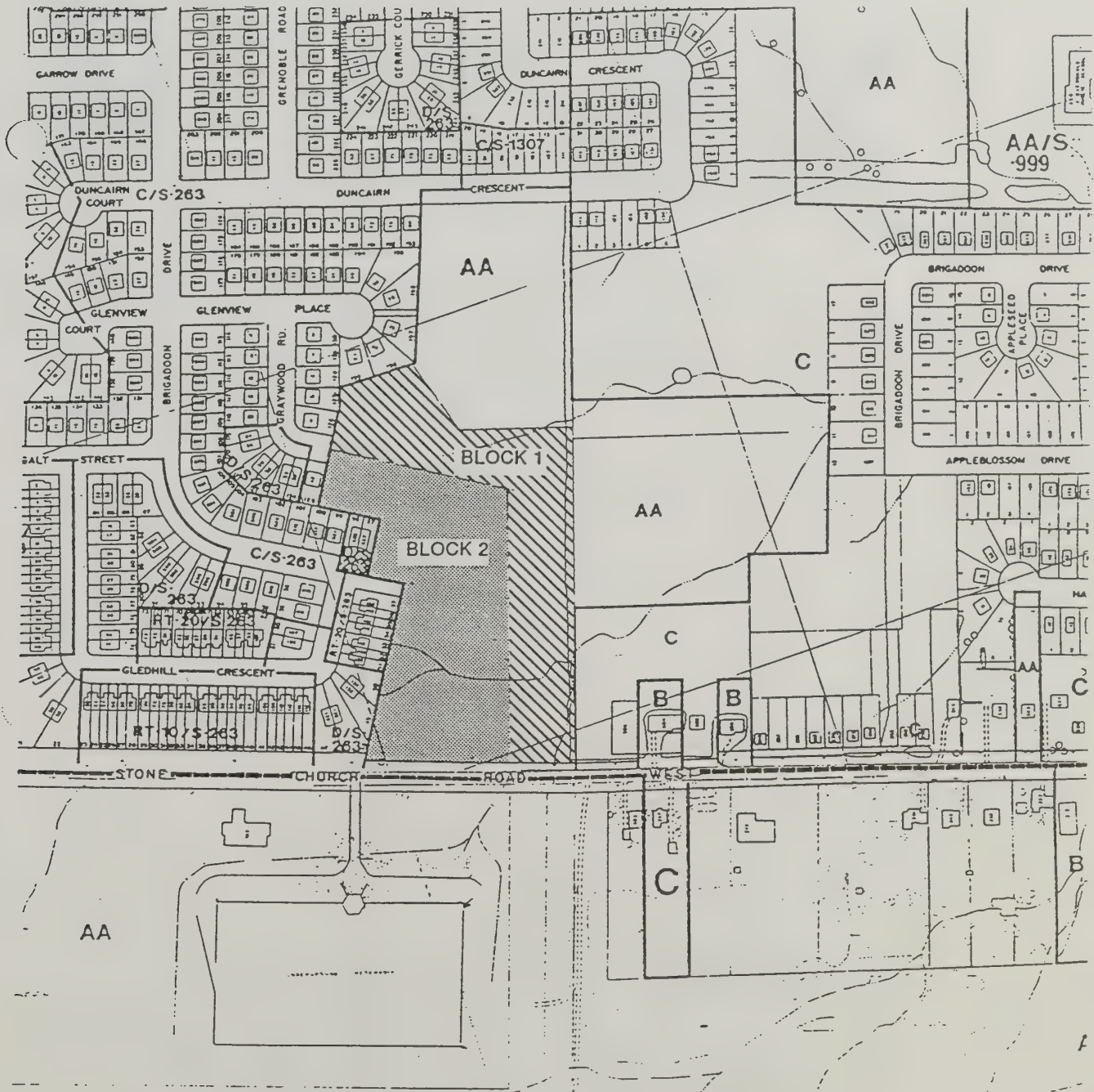
[Signature]
 Authorized Agent of the
 Ontario Realty Corporation
 Date: *March 21/95*

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE SURVEYANTS
OF THE LAND TO BE SURVEYED AS SHOWN
ON THIS PLAN AND THEIR RELATIONS TO
THE ADJACENT LANDS ARE SHOWN
ACCORDANT AND CORRECTLY

— J. E. L. — — J. E. L. —
JAN 25 1885 —

Ontario Realty Corporation
REAL ESTATE SERVICES DIVISION
Ontario
For and on behalf of
Ontario Realty Corporation



Legend

Proposed changes in zoning:

BLOCK 1



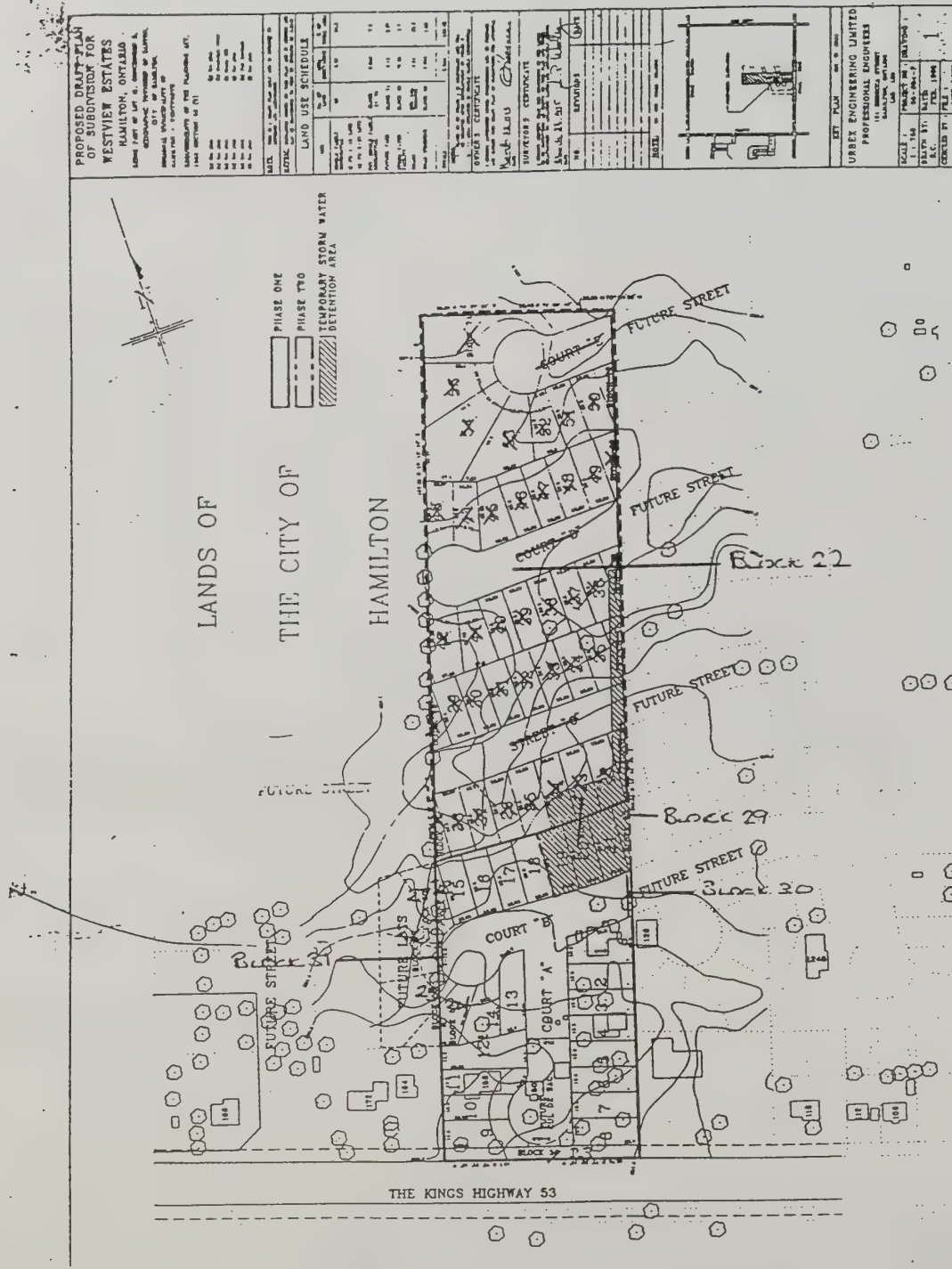
From "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District.

BLOCK 2



From "AA" (Agricultural) District to "R-4" (Small Lot Single Family), District.





The Corporation of the City of Hamilton

By-law No. 96-

To Amend By-law No. 80-245

Respecting:

LAND DRAINAGE

WHEREAS By-law No. 80-245 was enacted by the Council of The Corporation of the City of Hamilton on September 9, 1980, respecting land drainage;

AND WHEREAS Section 6 of By-law No. 80-245 was amended by By-laws No. 88-09, No. 88-207 and No. 93-123;

AND WHEREAS Council, on July 9, 1996, in adopting Section 3 of the 11th Report of the Planning and Development Committee authorized a further amendment to By-law No. 80-245;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

By-law No. 80-245, as amended, is amended by the addition of the following section:

- "6.A. (1) Despite Section 6, roof leaders may be discharged onto the ground surface where:
- (i) a site design, including a Storm Water Management Study, acceptable to the City Engineer is prepared by a Professional Engineer, and
 - (ii) the site design is approved by the City after June 25, 1996.
- (2) Where the City approves of a Storm Water Management Study for a development which indicates roof leaders may be discharged onto the ground surface, the recommendations in the study must be implemented by the owner of the land.
- (3) Where the roof leaders are not required to be connected to the storm sewer, the roof leaders shall discharge onto splash pads and then onto grassed or landscaped areas at least 0.6 metres from the building face.
- (4) The roof leaders shall not discharge directly onto a sidewalk or a driveway.
- (5) Where the roof leaders of a lot are not connected to storm sewer, the lot shall be sodded prior to the issuance of a lot grading certificate by the City.
- (6) Subject to the Land Titles Act and the Registry Act, the lot grading plan shall be registered on title to the land being developed.

- (7) Where the Subdivision Agreement includes a Lot Grading Plan, the Subdivision Agreement shall not be discharged by the City.
- (8) The City Engineer shall include the Ward Aldermen in the review process for the implementation of the storm water management plan.
- (9) This section only applies to the developments containing four or more lots.

PASSED this . day of 1996.

- CITY CLERK

MAYOR

(1996) 11 R.P.D.C. 3, July 9

\BYLAW\DRAINAGE.6

Bill

The Corporation of the City of Hamilton

BY-LAW NO. 96-

To Consolidate

By-law No. 92-094, and amendments thereto

Respecting

THE APPOINTMENT OF INSPECTORS

WHEREAS Ontario Regulation 413/90 was made on 1990 July 27 and filed on 1990 July 30 in accordance with section 19 of the Building Code Act, established the building code for Ontario;

AND WHEREAS subsection 1 of section 3 of Building Code Act provides that the council of each municipality is responsible for the enforcement of the Act in the municipality;

AND WHEREAS subsection 2 of section 3 of Building Code Act provides that each municipality shall appoint a chief building official and such inspectors as are necessary for the purpose of the enforcement of the Act:

AND WHEREAS By-Law No. 78-211, passed on the 1978 July 25 and By-Law 81-224 passed on 1981 July 28, and By-Law 87-312, passed on 1987 November 10 and By-law 91-047 passed on 1991 March 12, and By-Law 92-094 passed on 1992 March 31, consolidated previous by-laws into one by-law in view of the changes in inspection staff and appointments:

AND WHEREAS it is desirable to further consolidate into one by-law all changes in inspection staff and appointments since By-Laws 78-211, 81-224, 87-312, 91-047 and 92-094 were enacted.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. (a) The following person is appointed chief building official:
Leonard C. King, P. Eng.
- (b) The title of the chief building official shall be as follows:
Building Commissioner.
2. (a) The following person is appointed an Inspector:
Peter C. Lampman, P. Eng.
- (b) The title of the Inspector appointed under clause (a) shall be as follows:
Deputy Building Commissioner and
Director of Technical Services.
3. The person appointed Inspector under clause (a) of Section 2 is hereby appointed chief building official during the absence for any reason of the person appointed chief building official under section 1.

4. (a) The following person is appointed an Inspector:
- Wah-Keun Wong, P. Eng.
- (b) The title of the Inspector appointed under clause (a) shall be as follows:
- Manager of Customer Services

5. (a) The following persons are each appointed an Inspector:
- Larry W. Harvey
- Donald J. Inglis
- John A. Spolnik
- (b) The title of each of the Inspectors appointed under clause (a) shall be as follows:
- Supervisor of Field Services.

6. The following persons are each appointed an Inspector:

Brian Baxter	Joyanne Beckett
Sylvia Bishop	Sara Bradley
George Caetano	Alison Churchill
Doug Clark	Gary Daly
Jack Dorr	Ron Doucet
Nancy Rajher-Drapeau	William Dupont
Ken Edgar	Debbie Eydt
Frank Genovese	Peter Gobbo
Natalie Gould	Christine Hey
John Ivezić	Jan Janosik
Zoran Kristo	Steve Kuczerepa
Rick Kuipers	John Lane
Wing Lee	Marianne Lyon
Morris Marsalla	Erin McClintock
Glen McCrory	Monica Melnick
Bryan Moon	Michelle Oproiu
Susan Parker	Gene Penko
Frank Peter	Tom Redmond
George Robis	Michael Shepherd
Gail Stevenson	Douglas Tam
Steve Teal	John Thomas
Sandra Tucker	Michael Verboom
George Wong	

7. By-Law No. 92-094 is hereby repealed.

PASSED this _____ day of _____, 1996.

CITY CLERK

MAYOR

COMMENTS ON THE RECOMMENDATIONS OF
THE 1995 REGIONAL HOUSING STATEMENT UPDATE

Section A: Planning for Growth

- a) *That the Region investigate the use of full cost accounting with regard to the setting of residential development charges to promote compact urban development and to ensure that urban sprawl is not being subsidized;*

A number of research studies prepared for the Golden Commission examining the future of the Greater Toronto Area noted that the "cost" of new suburban development is not fully realized in development charges levied by municipalities. The use of "full cost accounting" would ensure that the complete costs associated with new suburban development are reflected in the actual development charge and are not born by the existing taxpayers within a community - in essence "user pay". Although it is clearly premature to comment on the appropriateness of this method of calculating development charges in the City of Hamilton, the recommendation of the RHSU is to "investigate" this method. At such time the research is complete, the City will be in better position to ascertain the implications of this concept. Accordingly, the recommendation can be supported.

- b) *That the Region be actively involved with the evaluation, and where appropriate the introduction, of alternative development standards (servicing requirements, road and right-of-way requirements, etc.) that could contribute to a more compact urban form and reduce municipal and housing costs;*

This recommendation can be supported. Many of the technical standards for new development that are presently in place should be reviewed to ascertain any possible inefficiencies that would reduce the cost of new development to both the City and the eventual home purchaser.

- c) *That the Region continue to monitor intraprovincial-migration patterns to ascertain the ongoing impact of population and employment growth in the GTA on Hamilton-Wentworth's housing markets, and to evaluate the impact of out-migration to Halldimand-Norfolk, Niagara, and Brant;*

This recommendation can be supported. Market knowledge of migration patterns is essential to determine potential demand for housing in future years.

- d) *That a housing target of 55% single and semi detached, 28% row, and 17% apartment units be adopted as a guideline for medium and long-range planning in the Region;*

Recent housing market activity in the City of Hamilton is generally consistent with the targets suggested by the Region. Over the six-year period 1990-1995, single and semi-detached housing units accounted for 47.2 percent of all dwelling units completed in the City of Hamilton. Row units accounted for 30.5 percent and apartment units accounted for 21.7 percent of all units completed.

However, this housing target fails to acknowledge the existing dwelling mix already in place within the area municipalities. Specifically, the City of Hamilton has shouldered the bulk of higher density housing constructed in Hamilton-Wentworth for the past several decades and Regional suggestions that this role continue is unacceptable. Accordingly, this recommendation should be deleted or, alternatively, that the City of Hamilton be excluded from its application.

- e) *That the Area Municipalities be encouraged to support the need for a variety and mix of housing in the Region by targeting not less than 40% of units in new construction as medium and high density (the mix of medium and high density is not prescribed);*

As of May, 1995, there were approximately 506.4 hectares of land available for residential development within the City of Hamilton, which would yield approximately 14,100 dwelling units. Of these 14,100 dwelling units, almost one-half (48.6 percent or 6,858 units) were designated for row and/or apartment uses. The City of Hamilton cannot dictate to the private marketplace the type of new housing units that "should" be built within the community. The important point is that within the City of Hamilton, an opportunity has been provided to the private marketplace to construct medium and high density dwelling forms. Moreover, the existing dwelling mix within the particular area municipality must be considered. This recommendation should be deleted or, alternatively, that the City of Hamilton be excluded from its application.

- f) *That the Area Municipalities be requested to require that new residential development (secondary/subdivision plans) have densities of at least 18 units per hectare (gross);*

As noted previously, the City of Hamilton cannot dictate to the marketplace the type of new housing units that "should" be built within the community. We recognize, of course, that having higher gross residential densities in new development is desirable but by "requiring" that all new residential development have a minimum density of 18 units per hectare, as the recommendation notes, is inflexible, unrealistic and unworkable. This recommendation should be deleted or, alternatively, that the City of Hamilton be excluded from its application.

- g) *That the Area Municipalities be requested to develop and carry out policies to implement Provincial and Regional policies regarding increased densities of new residential development, increased opportunities for intensification and infill, and opportunities for the development of affordable housing;*

Within the Region of Hamilton-Wentworth, the City of Hamilton has been second to none in terms of facilitating residential intensification opportunities and promoting lower cost "affordable" housing. In the late 1980's and early 1990's, the City undertook several detailed housing studies in response to Provincial policy initiatives which resulted in extensive changes to the Hamilton Official Plan and the Hamilton Zoning By-law.

It should be noted that the Provincial policies alluded to in the recommendation (The Comprehensive Set of Policy Statements) have since been repealed by the Provincial Government. Accordingly, this recommendation is redundant and should be deleted in light of policy changes made by the Provincial Government and the City's previous extensive work on this matter.

- h) *That the City of Stoney Creek be requested to prepare an additional study prior to the year 2000 Regional Official Plan review that examines the availability of vacant residential land in the designated, pending, draft approved and registered categories, as well as the status of residentially-designated lands in the Heritage Green planning area and lands zoned for high-density uses north of the QEW.*

This recommendation is not applicable to the City of Hamilton.

Section B: Providing Housing for People with Low Incomes and Special Needs

- i) *That the Region and Area Municipalities be requested to make significant efforts to convince the Province, the District Health Council, and other relevant organizations to initiate and sustain a planning process of their own that will co-ordinate the allocation of resources to the housing and housing-related health care and support services in Hamilton-Wentworth;*

This recommendation can be supported. Ensuring greater co-ordination among the various stakeholders will ensure cost effectiveness and greater resolve to address the housing and support needs of individuals and families in Hamilton-Wentworth.

- j) *That the Area Municipalities be requested to co-operate to develop a strategy for developing a pool of expertise that can be used in initiating and co-ordinating community-based efforts to build or renovate housing for people with very low incomes or special needs. This resource could be developed in existing organizations such as the municipal non-profits or assembled from scratch in a new entity. The Area Municipalities should also consider entering into a partnership with other communities around the Golden Horseshoe to maintain a combined innovative housing non-profit resource group that could be financed in a cost-effective manner;*

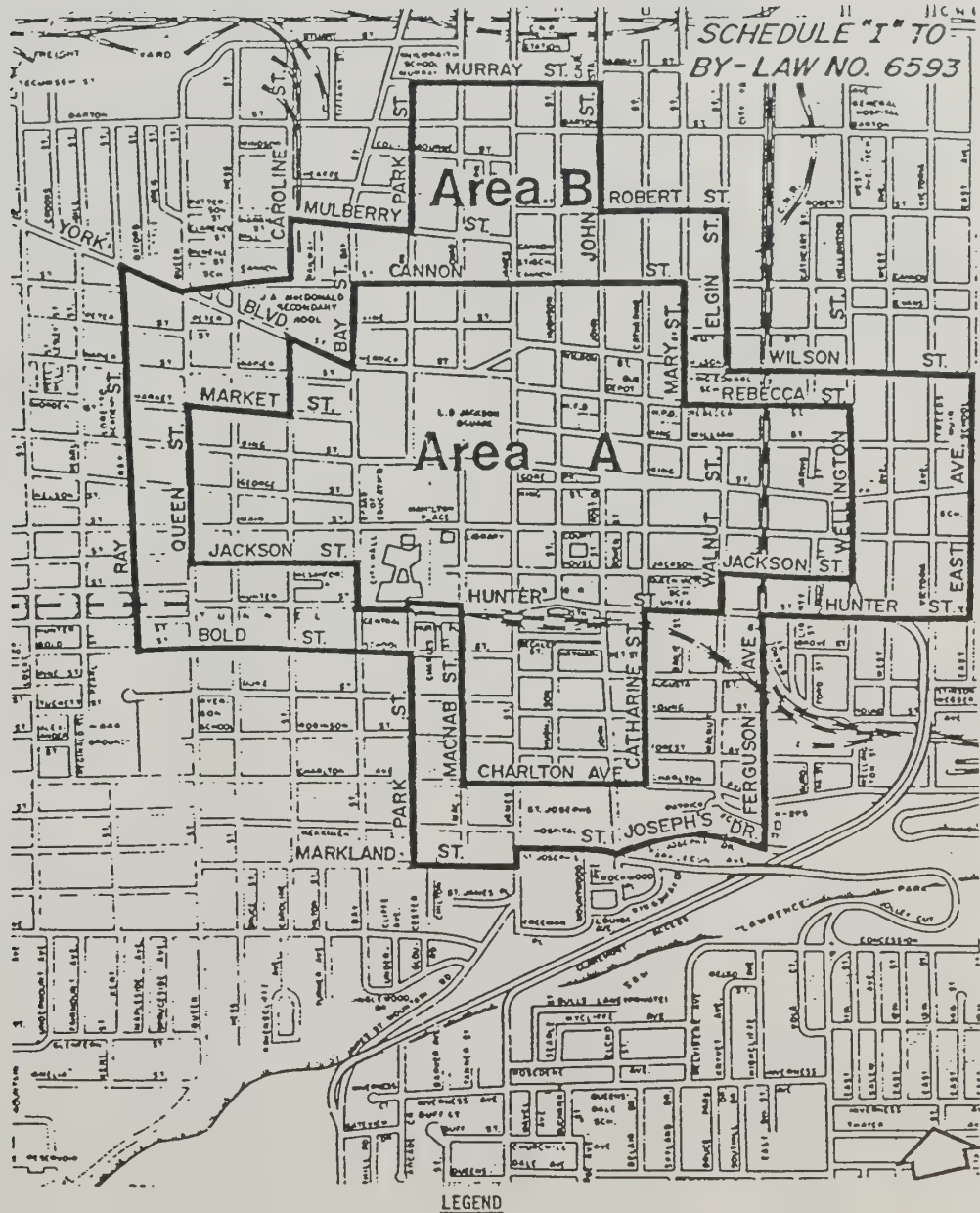
This recommendation can be supported. With recent cut-backs by both the Federal and Provincial Government to social housing funding, imaginative and creative local responses will be the hallmark of new not-for-profit housing initiatives in Hamilton-Wentworth. The City's Municipal Non-Profit Housing Corporation has shown leadership in this area and should be considered as a credible vehicle for implementing this recommendation.

- k) *That the Area Municipalities be requested to undertake a review of their existing zoning by-laws and identify and eliminate any restrictions on the development of supportive housing environments that are not justified by bona-fide planning considerations and significant public health or safety concerns (supportive housing can be defined as housing environments that allow people to live as independently as possible while still receiving certain types of health care, personal, or home-making services).*

Although City staff resources are limited, the objective of reviewing the Hamilton Zoning By-law to identify possible restrictions and impediments for supportive housing environments is a laudable. Other area municipalities within Hamilton-Wentworth should be made aware of the flexibility of Hamilton's Zoning By-law in terms of as-of-right provisions for supportive housing initiatives. This recommendation can be supported.

1996 August 27

Appendix "J" referred
to in Section 19 of the
THIRTEENTH Report of the
Planning and Development
Committee for 1996



Bill No. D-33

This is Schedule "A" to By-law No. 63-66 passed the 22nd day of February, 1983.

THE CORPORATION OF THE CITY OF HAMILTON

E.A. Simpson
City Clerk

W. H. H. H.
Mayor

1996 August 27

Appendix "K" referred
to in Section 20 of the
THIRTEENTH Report of the
Planning and Development
Committee for 1996

NORR

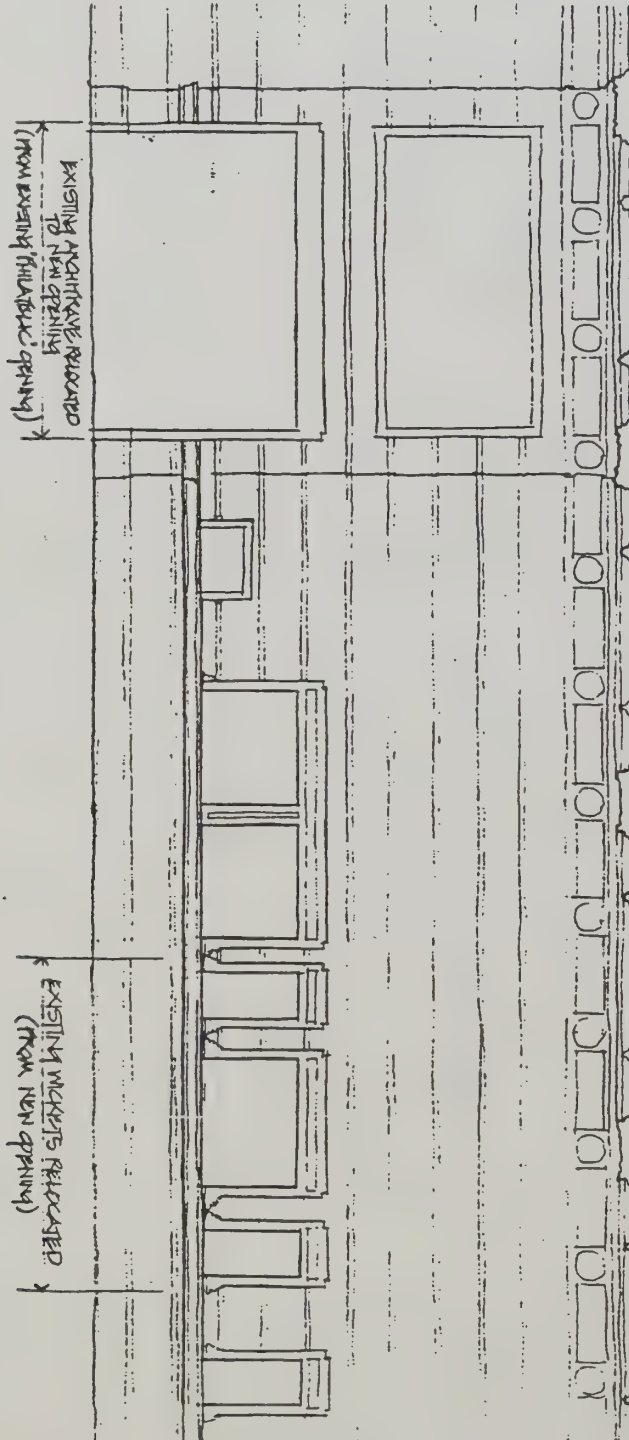
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Architects Engineers
350 Bloor Street East
Toronto, Canada
M4W 3J5

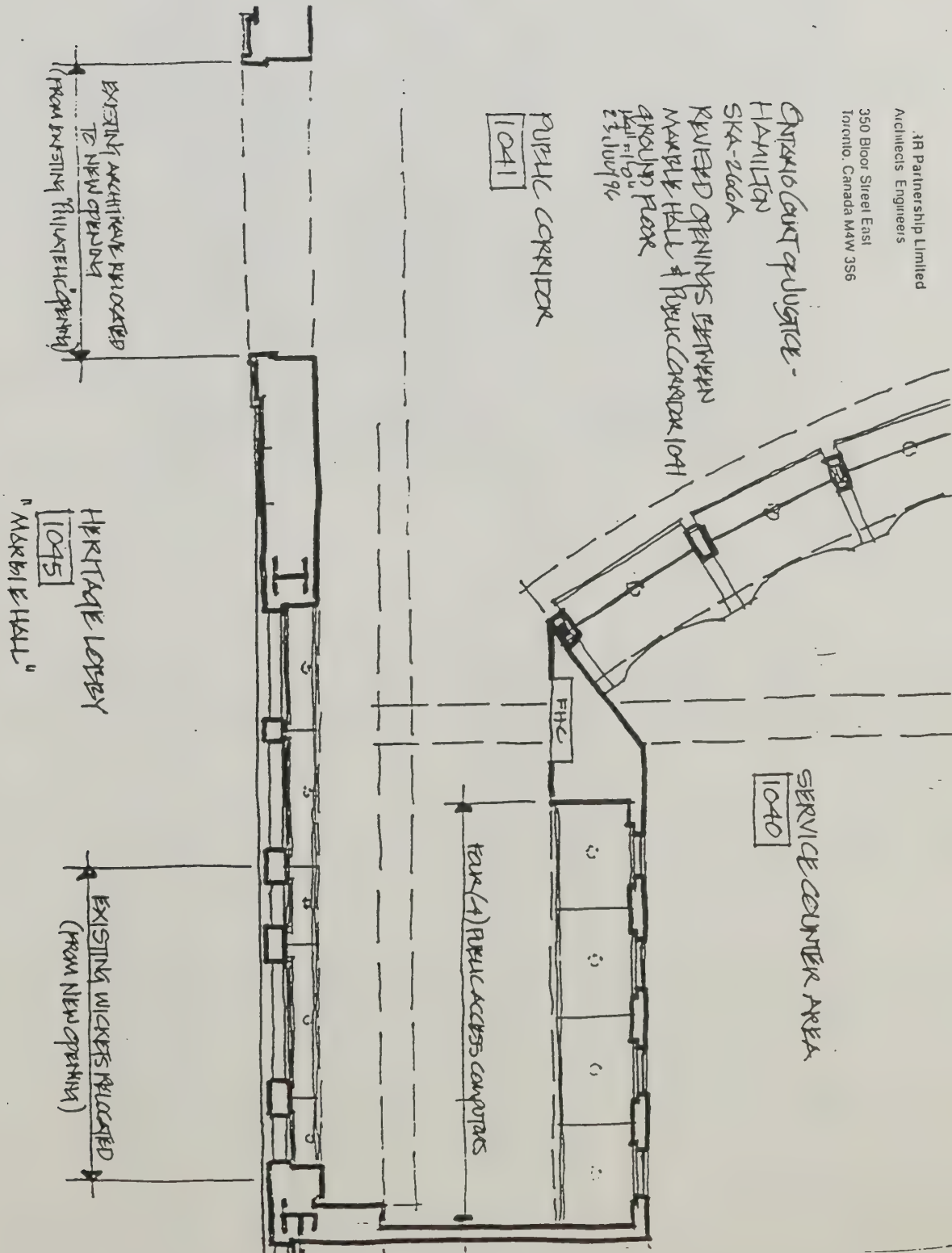
ONTARIO COURT OF JUSTICE - HAMILTON

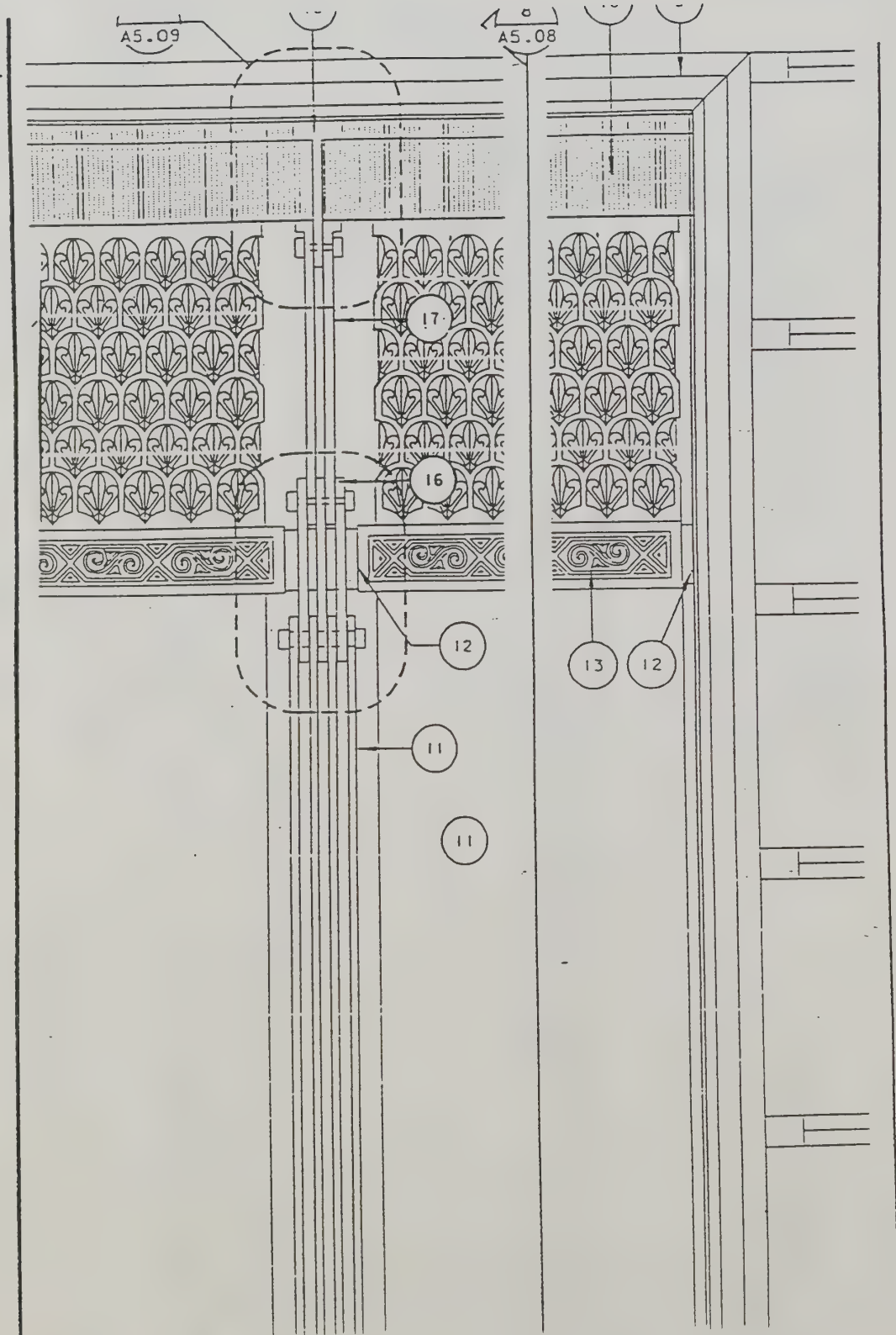
PROPOSED OPENING TREATMENT IN WEST WALL OF
HERITAGE LOBBY 1045 "MARBLE HALL" - GROUND FLOOR

K1-1107
29 JULY 96

SKA-2160B







REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Finance and Administration Committee presents its **FOURTEENTH** Report for 1996 and respectfully recommends:

1. That the City accept the Hamilton and District Labour Council's offer to resolve the City's claim for costs of site preparation, clean up and site restoration arising out of the Labour Council's use of Dundurn Park and Bayfront Park on 1996 February 23rd and 24th for the Days of Protest Rallies, for a total payment of \$3,500.

Recorded vote.

YEAS: Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Charters, Jackson, Anderson, D'Amico, Ross. -14.

NAYS: Alderman Collins. -1.

CARRIED.

2. That the City agree to indemnify the Public Works and Traffic Department employee, charged under the Occupational Health and Safety Act, by Summons Number 23586544, for legal fees incurred in the defence of said charge, provided that:
 - (a) There is an acquittal on the charges, or the charges are withdrawn; and,
 - (b) The City Solicitor is satisfied that the legal fees incurred are reasonable under all of the circumstances of the case.
3.
 - (a) That the City resolve Ontario Court (General Division) Small Claims Court Action No. 3814/95 by the payment to the Plaintiff, Lucy Myszkowski, of the sum of \$1,500, inclusive of all damages, interest and costs; and,
 - (b) That the Plaintiff be required to execute a Full and Final Release in a form satisfactory to the City Solicitor; and,

- (c) That Ontario Court (General Division) Small Claims Court Action No. 3814/95 be dismissed without costs.
- 4. (a) That the City of Hamilton decline to accept an Offer to Settle dated 1996 March 25, in Ontario Court of Justice (General Division) Action No. 2006/93, made on behalf of Plaintiff Mary McEwen, which offer provides for:
 - (i) A payment of \$8,000 plus 5% interest from 1993 February 17, to the date of acceptance of the offer for damages; and,
 - (ii) A payment of \$992.41 plus 5% interest as above for OHIP costs; and,
 - (iii) Payment of the Plaintiffs costs on a party and party basis to be agreed or assessed; and,
- (b) That the City of Hamilton offer to settle Ontario Court of Justice (General Division) Action No. 2006/93 by a payment of \$12,500, including general and special damages, OHIP subrogation, interest, and costs, to the Plaintiff, Mary McEwen; and,
- (c) That the City of Hamilton obtain from Mary McEwen, a Release satisfactory to the City Solicitor and that Ontario Court of Justice (General Division) Action No. 2006/93 be dismissed as against the City of Hamilton without costs.
- 5. (a) That the City resolve Ontario Court (General Division) Small Claims Court Action No. 5454/96 by the payment to the Plaintiff, Francis Albert Johnson, of the sum of \$750, inclusive of all damages, interest and costs; and,
- (b) That the Plaintiff be required to execute a Full and Final Release in a form satisfactory to the City Solicitor; and,
- (c) That Ontario Court (General Division) Small Claims Court Action No. 5454/96 be dismissed without costs.
- 6. That approval be given to the action of the City Clerk in authorizing the Hamilton-Wentworth Regional Police Community Auto-Theft Reduction Project to set up a display in the second floor foyer at City Hall on Monday, 1996 July 15 from 11:30 a.m. to 1:30 p.m. to provide information on auto-theft reduction.

7. That approval be given to the request of the Chinese Community to use the City Hall Forecourt and related equipment, together with first floor washroom access, from 1:00 to 3:00 p.m. on Sunday, 1996 September 22 for a fundraising Walkathon for the United Way.
8. That approval be given to the action taken by the City Clerk in authorizing Hamilton Sesquicentennial Celebrations Inc. to display a birthday ribbon and bow on the Council Chamber balcony from 1996 July 12 (Hamilton's birthday) until the end of 1996 (or until its condition becomes deteriorated).
9. That approval be given to the request of the Hamilton Status of Women Sub-Committee and the Hamilton Safety Council to use the City Hall Council Chambers, second floor foyer and second floor meetings rooms on Saturday, 1996 September 14 from 8:00 a.m. to 2:00 p.m. for the purposes of conducting a Safety Workshop and the use of the second floor foyer from 1996 September 11 - 14 to display safety-related exhibits.
10. That approval be given to the action taken by the City Clerk in authorizing the Canadian Cure Campaign to use the City Hall Forecourt and related equipment on Tuesday, 1996 August 13 from 12:00 noon to 1:00 p.m. for the purposes of holding a reception to welcome Christine Ichim who is in-line skating across Canada to raise funds for Leukemia Research.
11. That approval be given to the action taken by the City Clerk in authorizing the erection of a thermometer fundraising gauge, similar to the one used annually by the United Way, on the City Hall Forecourt for the purpose of showing funds raised for the Quebec Flood Relief Fund.
12. That approval be given to the action taken by the City Clerk in authorizing the erection of a reviewing stand on the City Hall Forecourt on Saturday, 1996 August 17 from 11:00 a.m. to 1:30 p.m. in conjunction with the Kaleidoscope Parade organized by the Hamilton Caribbean Canadian Community.

13. (a) That the City be authorized to enter into Extension Agreements, if required, in a form satisfactory to the City Solicitor and the City Treasurer pursuant to Section 8 of the Municipal Tax Sales Act, with the owners of the following properties to extend the time open for payment of realty tax arrears in accordance with the policy for extension agreements approved by City Council on 1994 June 28:

1485 Main East	696 King East
90 Queen South	220 Cannon East
134 Ontario Avenue	27 William Street
1605 King East	344 Darlington Crescent
60 Farmer Court	84 Royal Vista Drive
37 Huxley South	180 Queensdale East
232 East 45th	64 Beechwood
20 Beland South	479 King East
1396 Upper Ottawa #14	50 Weir South
477 King East	1 South Oval
322 Herkimer Street	300 Glennie Avenue
162 Campbell Avenue	6 Lampton Place

- (b) That a by-law to authorize the said Extension Agreements be enacted by Council; and,
- (c) That the Mayor and City Clerk be authorized to execute the aforesaid by-law and extension agreements.
14. (a) That as referred to in Section 5 of the Eleventh Report for 1996 of the Parks and Recreation Committee, the City Treasurer be authorized to increase the gross cost of the project - Dundurn Castle Restoration Completion South and West Facades including Dovecote and Stables, Account Centre No. CF719441022 from \$2,726,000 to \$2,857,251 by \$131,251; and,
- (b) That the increased cost of the above project in the amount of \$131,251 be financed as follows:

<u>Account Centre No.</u>	<u>Description</u>	<u>Financing</u>	<u>Amount</u>
CF719141002	Dundurn Castle Restoration	Reserve - Cap.Proj.	\$ 26,439
CF719141008	Dundurn Castle, Cockpit Theatre	Reserve - Cap.Proj.	22,806
CF719355010	Dundurn Castle Restoration Study	Reserve - Cap.Proj.	2,545

CH25213-00183	Dundurn Castle - Furnishing Restoration Trust	Trust Fund	26,641
CH25210-00183	Castle Restoration Trust	Trust Fund	14,771
CH25300-00213	Dundurn Castle Rental Trust	Trust Fund	5,565
CH25211-00183	Museum Acquisition Trust	Trust Fund	32,484
			<u>\$131,251</u>

- (c) That the City Solicitor be authorized to revise By-law No. 94-095 to incorporate revised gross cost of the project noted in (a) above.

15. That a purchase order be issued to J.P. Hammill & Son Limited, Guelph, for the supply and delivery of Workers' Uniform Clothing as and when required during 1996/97 to Purchasing Stores, being the lowest acceptable of three tenders received, in accordance with specifications issued by Purchasing and Vendor's tender, and be financed through Stores Inventory Account No. CH56103 28999, as follows:

Grey Trousers	\$13.75 Pr.
Short Sleeve Grey Shirts	13.60 Each
Long Sleeve Grey Shirts	15.45 "
Grey Uniform Jackets	29.95 "
Grey Crested Coveralls	29.95 "
Grey Overalls	28.95 "
Parkas	39.95 "
Bomber Jackets	39.90 "
Golf Shirts	13.95 "
Cadet Vests	25.95 "
T-Shirts	8.50 "

All taxes extra

16. That the listing of Appointments to and Terminations from Permanent positions with the Corporation of the City of Hamilton to 1996 August 2, attached herewith and marked Appendix "A", be approved.
17. (a) That authorization be given to issue a Purchase Order in the amount of \$247,166.79 inclusive of G.S.T (\$16,169.79) to commission York International Limited of Mississauga, Ontario to supply and install all necessary labour and materials to complete a major overhaul and refrigerant conversion on the 4 -400 ton centrifugal chillers at Copps Coliseum as per the specifications issued by the Purchasing Division Ref:C14-11-96, this being the Original Equipment Manufacturer and only quotation received; and,

- (b) That this expenditure be financed from the approved Capital Budget accounts CF 319651025 Copps - Overhaul Refrigeration/A.C. Equipment and CF 319641027 Convert Air Conditioning Equipment; and,
 - (c) That the Mayor and City Clerk be authorized and directed to execute an agreement in a form satisfactory to the City Solicitor.
- 18.
 - (a) That approval be given to issue a purchase order in the amount of \$61,097, inclusive of G.S.T. (\$3,997), to commission Barton Glass Inc. of Hamilton, to replace the skylight at the Hamilton Farmers' Market., being the lowest price of two quotations received in accordance with the specifications (Ref: C14-10-96) issued by the Purchasing Division; and,
 - (b) That this expenditure be financed through account CF 319641023 Major Maintenance to Civic Buildings
- 19. That 179 Stirton Street be declared surplus to the requirements of the City in accordance with Realty Sales Procedural By-law 95-049, for the purpose of selling the property.
- 20.
 - (a) That funding in the amount of \$2,000 be approved towards the cost of the "Disapora to Jerusalem" Exhibit to be held at McMaster University from 1996 September 4 to November 10; and,
 - (b) That the City Treasurer recommend the method of financing this expenditure.
- 21. That the \$2,000 funding request to offset the cost of the Exhibit Diaspora to Jerusalem at McMaster University be financed as a Convention/Reception Grant account CH 5A050 20020.
- 22. That the Treasurer and the Commissioner of Human Resources be authorized to accept applications from eligible employees who wish to purchase season's tickets to the Hamilton Bulldogs Hockey Club, on a payroll deduction basis, provided:
 - (a) That repayment by the employee will be in equal instalments to be fully paid no later than the end of the applicable season; and,

- (b) That any administrative costs associated with the Hamilton Bulldogs project will be recovered by the City by mutual agreement between the Treasurer and the Hamilton Bulldogs; and,
 - (c) That promotional material with respect to this offer may be forwarded to employees with their pay cheques/stubs on a timely basis.
23. (a) That the City Treasurer and Commissioner of Human Resources be authorized to process employee requests for making donations to the Quebec Flood relief Fund through payroll deductions: and
- (b) That the opportunity to make donations to the Quebec Flood Relief Fund through payroll deductions be communicated to employees.
24. That the 1995 Post Audit Letter containing recommendations and comments affecting the City's Accounting Systems, Procedures and Controls and subsequent Management Action be accepted.
25. That the analysis of the transactions of the City's Development Charges Reserve for the year 1995 entitled "Development Charge Reserve Fund Statement of Continuity for the period 1995 January 1 to 1995 December 31", attached herewith and marked Appendix "B", be received.
26. (a) That the firm of MacGillivray Partners, Chartered Accountants, be continued as municipal auditor for the City of Hamilton, including its Local Boards, Hamilton Entertainment and Convention Facilities Inc., Hamilton Hydro Electric System, Canusa Games, the Canadian Football Hall of Fame and Museum, Hamilton Housing Company Limited, The Municipal Non-Profit (Hamilton) Housing Corporation, Hamilton Municipal Retirement Fund, The Hamilton and Scourge Foundation, Inc., and all of the Boards of Management for the Business Improvement Areas within the City of Hamilton for the year 1996 at a fee of \$109,950 including completion of the audit of the City's Financial Report, but excluding G.S.T.; and,
- (b) That the by-law respecting "To Appoint An External Auditor" be approved by City Council.

27. That the City Solicitor be authorized and directed to make application to the Ontario Municipal Board for approval to reallocate the excess debenture proceeds of \$892,565.96 from Hydro Street Lighting conversion program, Account Centre No. CF609243008 (O.M.B. No. E920430 dated 1992 June 26) to the following projects:

Transferred to:

<u>Description</u>	<u>Account Centre Number</u>	<u>O.M.B. No. & Date</u>	<u>City By-Law Number</u>	<u>Excess Debenture Proceeds</u>
Major Maintenance to Civic Buildings	CF 319441005	N/A	94-095	\$ 4,086.36
Major Maintenance to Civic Buildings	CF 319541001	N/A	95-090/95-227	9,126.00
Farmer's Market Replacement of Roof	CF 319441012	N/A	94-095	1,081.86
Scott Park Arena - Replacement of Roof	CF 319441008	N/A	94-095	1,376.99
Westmount & Mountain Arena - Boiler Replacement	CF 319441009	N/A	94-095	1,598.00
Copps Coliseum - Steam To Hot Water Conversion	CF 319441013	N/A	94-095	2,116.64
Parkdale Arena	CF 709441023	N/A	95-228	228,805.00
Inch Park Arena	CF 709441024	N/A	95-228	228,805.00
Ivor Wynne Stadium Improvements (Infrastructure)	CF 809453007	N/A	94-135	4,785.02
1994 Roads & Sidewalks Reconstruction Program - Local Roads	CF 529442001	N/A	94-095	\$ 54,332.00
Waterfront Park Washrooms	CF 419454014	N/A	94-123	46,453.09
Enclave Clearance Program	CF 308750001	E 871041 09-Dec-87	88-32	<u>310,000.00</u> <u>\$892,565.96</u>

28. (a) That the "Unallocated MTO Subsidy", Account Centre No. 258742001, be closed and surplus funds in the amount of \$185,951.47, be transferred to the Reserve for Capital Projects CH 00203; and,
- (b) That the City Treasurer be authorized to transfer any surplus financing regarding MTO subsidy allocation from the Road Reconstruction Programmes, City's Share of Local Improvements, and Install/Modernize Traffic Signals projects to be credited to the Reserve for Capital Projects, as outlined in the Committee of the Whole Report dated 1996 January 26 in relation to the City's 1996-2005 Capital Budget Program.

29. That the staff complement of Legal Secretaries in the Law Department remain at seven, and the position of receptionist be deleted, effective 1996 July 1.

30. (a) That the financial contribution commitment of \$100,000 made by the City, in adopting Section 3 of the Eighth Report of the Finance Committee on 1988 April 26 to the Community Adolescent Network of Hamilton (the "Network"), for purchase of lands and the construction of a new facility for adolescent youth, be advanced to the Network on the following terms:

(i) The Network shall operate the facility now constructed at 131-137 Forest Avenue as a youth home facility and should it sell, transfer or otherwise dispose of the facility, the City shall be reimbursed a percentage of the contribution on the following basis:

(i)	to 1998 March 31	
	Amount to be reimbursed: \$100,000.00	2 years
	1998 April 1 to 2001 March 31	
	Amount to be reimbursed: \$90,000.00	3 years
	2001 April 1 to 2005 March 31	
	Amount to be reimbursed: \$75,000.00	4 years
	2005 April 1 to 2010 March 31	
	Amount to be reimbursed: \$50,000.00	5 years
	2010 April 1 to 2016 March 31	
	Amount to be reimbursed: \$20,000.00	6 years
	2016 March 31 and subsequent	
	Amount to be reimbursed: NIL	

(ii) The contribution shall be secured by a first mortgage registered on title to the facility lands located at 131-137 Forest Avenue, Hamilton, in the amount of \$100,000 in favour of the Corporation of the City of Hamilton which shall be discharged on 2016 March 31; and,

- (iii) The Network shall maintain all risks property loss insurance in a form acceptable to the City Solicitor naming the City as first loss payee to the amount of the conditional grant; and,
 - (iv) All taxes and other levies due and owing shall be paid as they fall due; and,
 - (v) The City commitment of \$100,000 shall be advanced in one payment upon registration of the mortgage and receipt of all required documentation; and,
- (b) The solicitor for the Network shall prepare, register and provide all documentation required by and in a form acceptable to the City Solicitor; and,
- (c) The Mayor and City Clerk shall be authorized to execute all documents required in connection herewith.
31. (a) That the City of Hamilton accept the Proposal submitted by Global Election Systems for the Rental of 150 Optical Scan Poll Level Tabulation Units for the City of Hamilton's 1997 Municipal Elections; and,
- (b) That the total cost of the Election System Rental not exceed \$135,000. plus applicable taxes (\$115,000 for the System rental, \$20,000 for Election supplies and services); and,
- (c) That the costs of the Election System Rental be funded as follows: \$100,000. from the City's Capital Projects Account, \$35,000, plus all applicable taxes from the Election Reserve Account; and,
- (d) That the Mayor and City Clerk be authorized and directed to execute a Rental Agreement with Global Election Systems in a form satisfactory to the City Clerk and City Solicitor.
32. That approval be granted to authorize the destruction of City of Hamilton Tax Rolls from 1925 to 1990, as recommended by the report of the City's Records Review Committee.

33. (a) That approval be given to issue a purchase order in the amount of \$139,249.80 inclusive of a contingency (\$5,000) and G.S.T. (\$9,109.80) to commission Geonis Mechanical Limited of Stoney Creek, to replace the heating system and cooling system at Dundurn Castle, being the lowest price of three quotations received in accordance with the specifications (Ref: C14-13-96) issued by the Purchasing Division; and,
- (b) That this expenditure be financed through Account CF 319641028 Dundurn Castle Boiler System Renovations \$105,893, exclusive of G.S.T., and Account CF 319641023 Major Maintenance to Civic Buildings \$24,247, exclusive of G.S.T.
34. (a) That an Option to Purchase, executed by Andrew Richard Kay on 1996 July 8, and scheduled to close on or before 1996 September 30, for the lands situated in the City of Hamilton, being composed of Lots 428 and 429, Registered Plan 584, with a frontage of 15.24 metres (50.0 feet), more or less, by a depth of 30.48 metres (100.0 feet), more or less, municipally known as 571 Kenilworth Avenue North, be approved and completed for the purchase price of \$60,000; and,
- (b) That as consideration in the amount of \$2 has been paid to the owner pursuant to the Option to Purchase document, this amount be deducted from the purchase price; and,
- (c) That the Director of Property be authorized to proceed with the demolition of the existing single family dwelling at 571 Kenilworth Avenue North at a cost not to exceed \$10,000 once vacant possession has been received; and,
- (d) That the Finance and Administration Committee recommend the method of financing the purchase and demolition; and,
- (e) That the Mayor and City Clerk be authorized and directed to execute all necessary documents. **REFERRED BACK.**

Recorded vote.

YEAS: Alderman Kiss, Caplan, Drury, Morelli, Eisenberger Collins, Charters, Anderson, Ross. -9.

NAYS: Acting Mayor Merling, Aldermen Agro, McCulloch, Copps, Wilson, Jackson, D'Amico. -7. **CARRIED.**

35. That the City Treasurer be authorized to open a new Capital Project Account in relation to the acquisition and demolition of 571 Kenilworth Avenue North at an estimated amount of \$70,000 and that this project be financed from the Reserve for Capital Projects CH 00203.

NOTE: The above resolution was Lost on a Tie Vote at the Finance and Administration Committee, and at the Committee's direction is being referred to City Council for consideration.

REFERRED BACK.

Recorded vote.

YEAS: Alderman Kiss, Caplan, Drury, Morelli, Eisenberger Collins, Charters, Anderson, Ross. -9.

NAYS: Acting Mayor Merling, Aldermen Agro, McCulloch, Copps, Wilson, Jackson, D'Amico. -7.

CARRIED.

36. That, after hearing the evidence and submission of the complaint from Hamilton Habitat for Humanity, the Council of the City of Hamilton hereby amends the development charges with respect to 607 Queen Victoria Drive, thereby reducing the City's Development Charges of \$1,565.44 to zero (0).

37. (a) That a grant of \$1,500 be made to the Hamilton Caribbean Canadian African Community to offset costs involved in staging the Kaleidoscope Cultural Festival which was held 1996 August 17 and 18; and,
- (b) That this expenditure be charged to Account Number CH 53199-20016 (Unallotted Grants).

38. That the following resolution be approved:

Whereas, occupational health and safety is a priority for the City of Hamilton; and,

Whereas, occupational injuries and illnesses impact on more than just the injured affected parties, but on the community as a whole; and,

Whereas, most occupational injuries and illnesses are preventable; and,

Whereas, the Hamilton clinic has achieved a high level of integration with the local health care system providing consultative services to area health care professionals, employers, unions and joint health and safety committees; and,

Whereas, the community of Hamilton has a long history of support and public activity to improve the work environment,

Now therefore, be it resolved that the City of Hamilton petition the Minister of Labour to continue to fully fund Occupational Health Clinics for Ontario Works.

Recorded vote.

YEAS: Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Collins, Charters, Jackson, D'Amico. -14.

NAYS: Alderman Anderson. -1.

CARRIED.

39. That the following Bills be adopted, signed, sealed and enrolled as By-laws:

- (a) D-48 A By-law to Authorize an Extension Agreement for Payment of Realty Tax Arrears.
- (b) D-49 A By-law respecting: Appointment of an External Auditor.
- (c) D-50 A By-law to Confirm the Proceedings of the Council of The Corporation of the City of Hamilton.

40. That approval be given to the request of the Hispanic Community to hold a Hispanic Fiesta on the City Hall Forecourt on Sunday, 1996 September 8 from noon until 3:00 p.m. **ADDED.**

Respectfully submitted, -

**ALDERMAN B. CHARTERS, CHAIRMAN
FINANCE AND ADMINISTRATION COMMITTEE**

**Susan Reeder
Secretary
1996 August 20**

Appendix "A" referred
to in Section 16 of the
FOURTEENTH Report of
the Finance and
Administration
Committee for 1996.

THE CORPORATION OF THE CITY OF HAMILTON

APPOINTMENTS TO PERMANENT POSITIONS

<u>NAME</u>	<u>STATUS</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON HIRED</u>	<u>SALARY SCHEDULE</u>	<u>EFFECTIVE DATE</u>
Mr. David Clark	I	Platoon Chief (C12)	Fire	Replacing Mr. G. Peace - resigned, May 13/96	\$72,764.50	June 23/96
Mr. Jim Flaherty	I	Lead Hand/Truck Driver (D17)	Public Works	Replacing Mr. R. Morris - promoted, May 06/96	\$37,146.72	June 03/96
Ms. Karen Knox	I	Traffic Administrative Clerk (10E)	Traffic	Replacing Ms. C. Alletto - terminated, June 06/96	\$28,868.84 to \$31,684.12	July 15/96
Mr. Frank Lalli	I	Traffic Signal Specialist (18B)	Traffic	Replacing Mr. J. Moyer - retired, December 30/94	\$36,699.21 to \$42,554.79	June 24/96
Mr. Michael McGaw	I	District Chief (C11)	Fire	Replacing Mr. D. Clark - promoted, June 23/96	\$66,992.60	June 23/96

Prepared August 2, 1996

Status -
Internal - I
External - E

THE CORPORATION OF THE CITY OF HAMILTON
APPOINTMENTS TO PERMANENT POSITIONS

NAME	STATUS	CLASSIFICATION	DEPARTMENT	REASON HIRED	SALARY SCHEDULE	EFFECTIVE DATE
Mr. Dennis Phillips	I	District Chief (C11)	Fire	Replacing Mr. G. Desjarlais - promoted December 13/95	\$66,992.60	June 23/96
Mr. Terry Rinaldo	I	Tractor Operator (D12)	Public Works	Replacing Mr. J. Flaherty - promoted, June 03/96	\$35,322.56	July 01/96
Mr. Robert Woodfine	I	Traffic Signal Specialist (18B)	Traffic	Replacing Mr. J. Kupina - retired, December 20/94	\$36,699.20 to \$42,554.79	June 24/96

Prepared August 2, 1996

Status -
Internal - I
External - E

THE CORPORATION OF THE CITY OF HAMILTON

TERMINATIONS FROM PERMANENT POSITIONS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON</u>	<u>LENGTH OF SERVICE</u>	<u>EFFECTIVE DATE</u>
Ms. Mary Howarth	Secretary	H.E.C.F.I.	Deceased	16 years, 4 months	June 18/96
Mr. Andy Sloggett	Gardener II	Public Works	Terminated	18 years, 11 months	June 24/96
Mr. David Smith	General Foreman/Woman	Culture & Recreation	Resigned	1 year, 1 month	June 14/96

Prepared August 2, 1996

Glossary of Terms

Terminated -- long term disability
 -- discharge

Resigned -- personal betterment
 -- personal reasons

Development Charge Reserve Fund
Statement of Continuity
Period January 01, 1995 to December 31, 1995

	Total \$	Indoor Recreation \$	Outdoor Recreation \$	Library Buildings & Materials \$	Traffic Signals \$	Parkland Acquisition \$	Vehicles & Equipment \$	Studies \$	Engineering (area specific) \$	Storm Water Retention \$	Fire Stations \$
Balance as at Jan 01, 1995	6,030,634	1,742,844	951,621	659,888	87,718	0	0	0	1,718,889	0	869,674
Development charges received or receivable	823,914	219,798	138,364	86,002	13,657	20,586	5,379	108	221,692	0	118,328
Development charges refunded	0	0	0	0	0	0	0	0	0	0	0
Interest earned	411,356	119,648	66,999	45,555	5,650	1,873	489	10	114,959	0	56,173
Transferred to the capital fund	7,265,904	2,082,290	1,156,984	791,445	107,025	22,459	5,868	118	2,055,540	0	1,044,175
	(15,000)	0	0	0	(15,000)	0	0	0	0	0	0
Amounts allocated:											
1) Services Through Unsubdivided Lands	(1,718,889)	0	0	0	0	0	0	0	(1,718,889)	0	0
2) Reduction of current debentures	(600,000)	(175,972)	(96,083)	(66,628)	(8,212)	0	0	0	(169,862)	0	(83,243)
Balance as at December 31, 1995	4,932,015	1,906,318	1,060,901	724,817	83,813	22,459	5,868	118	166,789	0	960,932

Appendix "B" referred
to in Section 25 of the
FOURTEENTH Report of
the Finance and
Administration
Committee for 1996.

REPORT OF THE CITY OF HAMILTON LICENSING COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The City of Hamilton Licensing Committee presents its **SECOND** Report for 1996 and respectfully recommends:

1. That the Cab Licence application of James Brophy, 1088½ Barton Street East, Apt. 3, Hamilton, be denied; and,
2. That the Cab Driver Licence of David Elliott, 333 Britannia Avenue, Hamilton, be suspended for a one week period to commence 1996 August 27.

Confidential background information provided to members of City Council under separate cover.

Respectfully submitted

**ALDERMAN D. WILSON
CHAIRMAN
HAMILTON LICENSING COMMITTEE**

**Stella Glover
Secretary**

1996 August 10

REPORT OF THE NOMINATING COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Nominating Committee presents its **FIFTH** Report for 1996 and respectfully recommends:

1. That Alderman T. Anderson be appointed Chairman of the Committee of the Whole for the period of September, October and November, 1996.

RESPECTFULLY SUBMITTED

**ACTING MAYOR H. MERLING
CHAIRMAN,
NOMINATING COMMITTEE**

S. G. Hollowell, Secretary
1996 August 27

SGH/dg

REPORT OF THE COMMITTEE OF THE WHOLE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Committee of the Whole presents its **FIFTH** Report for 1996 and respectfully recommends:

1. Approval of the following recommendations relative to the 2001 Canada Summer Games:
 - (i) That the principles and terms of a partnership agreement involving the City of Hamilton, City of Brantford and McMaster University as presented as Schedule A, attached hereto be approved.
 - (ii) That the City Solicitor be instructed to draft the partnership agreement
 - (iii) That the Bid strategy and draft budgets be approved, in principle.
 - (iv) That the Interim Bid Committee be authorized to submit a joint Hamilton-Brantford Bid to host the 2001 Canada Summer Games, under the terms of the partnership agreement.
 - (v) That Council, via a by-law, agree to underwrite its share of any operating deficit that may accrue from the hosting of the 2001 Canada Summer Games; and,
 - (vi) That the Finance and Administration Committee be requested to grant permission to fly the Canada Games flag at City Hall for the duration of the Bid Process.
 - (vii) That the City Treasurer be authorized to set up a 2001 Canada Summer Games Capital Project for the City of Hamilton in the gross amount of \$4,500,000, less Federal Contribution of \$1,500,000 and Provincial Contribution of \$1,500,000, subject to the approval of the 2001 Canada Summer Games Bid; and,

- (viii) That the City's cost of \$1,500,000 for the above project be advanced out of the 1997 Capital Budget and the financial parameters for the 1997 Capital Budget be adjusted to stay within the approved Capital financing parameters, and that the project be financed by the issuance of debentures in the amount of \$1,500,000 for a term not to exceed 10 years; and,
- (ix) That the City Solicitor be authorized to prepare appropriate by-law for the above project for the issuance of debentures; and,
- (x) That the Regional Municipality of Hamilton-Wentworth be requested to consent to the issuance of debentures for a term not to exceed 10 years for the above project.

RESPECTFULLY SUBMITTED

ACTING MAYOR H. MERLING, CHAIRMAN
COMMITTEE OF THE WHOLE

S. G. Hollowell, Acting Secretary
1996 August 27

Schedule A

CANADA 2001 SUMMER GAMES

HAMILTON-BRANTFORD-MCMASTERUNIVERSITY PARTNERSHIP PROPOSAL

CONCEPT:

Fiscal constraint is compelling many municipalities considering submission of a Bid to host the 2001 Canada Summer Games to seek partners in order to ensure a viable bid.

Hamilton City Council has directed its staff to seek a partnership agreement with the City of Brantford. The Council is not seeking simply to use a facility not in its ownership, namely a Canada Games class aquatic facility, but is seeking a active minority interest party to share in preparing the Bid, winning the Bid, and hosting the Games.

Hamilton Council's interest in pursuing this partnership was triggered by a letter from Mayor Christopher Friel from Brantford, wherein this arrangement is proposed.

Staff from both cities are recommending a 75-25 partnership with Hamilton as the principal and majority partner. This would extend to the municipal capital and Games deficit components, wherein, the host municipalities must commit \$2M in capital and guarantee to underwrite any operating deficit associated with the Games.

Both municipalities acknowledge McMaster University as a third Bid partner. The University would not be an equity partner per se but would contribute assets to the Games in the form of services, staff and facilities.

It is acknowledged that other agencies will play key non-partner roles in support of the Bid, namely through support and the provision of facilities. Mohawk College, the Hamilton-Wentworth Separate School Board, Royal Henley Corporation and the Dundas Valley Conservation Authority represent institutions in this category.

PARTNERSHIP PRINCIPLES:

The three parties agree to the following principles:

1. That the Bid is stronger with the partners acting together
2. That there are significant and measurable benefits to the three partners that will

accrue through the hosting of the Games

3. That the City of Hamilton will be the lead partner and that the focus of the Games will be in Hamilton.
4. That the City of Brantford will have the opportunity to participate in the Games in a real and active way.
5. That McMaster University will contribute significant services and facilities at reduced cost and that these contributions will be factored in as a financial contribution.
6. Officials from the three partners will be represented on the Bid Committee, Host Society and Friends of the Games.
7. That should the Bid be successful, the partners will empower the Host Society to manage and operate the Games at arms length from the partners.

SPECIFIC ROLES AND ASSIGNMENTS:

1. **City of Hamilton:**

- a. The City will be the lead partner and focal point for the Games.
- b. The bulk of the events will be held within the City.
- c. The City will supply the majority of the financial and staffing support requirements

2. **City of Brantford:**

- a. The City will be a minority equity partner.
- b. A minimum of four events, namely diving, swimming and portions of the baseball and softball, subject to approval from the Canada Games Council relative to competitive balance
- c. The City will provide staffing and volunteer support to the Bid Committee and Host Society

3. **McMaster University:**

- a. The University will be a non-equity partner
- b. It will provide the Athletes Village and medical services facilities
- c. It will provide specified games and practice venues
- d. It will provide staffing resources to the Bid Committee and Host Society

FINANCIAL CONTRIBUTIONS:

1. The City of Hamilton will provide:
 - a. \$1.5M. for the capital budget and receive \$3.0M from senior levels as per formula

- b. Guarantee to underwrite 75% of any operating deficit that might be incurred by the Host Society
 - c. games and practice venues to the Host Society at reasonable rates
2. The City of Brantford will provide:
- a. \$500,000 for capital budget and receive \$1M. from the senior levels as per the formula
 - b. Guarantee to underwrite 25% of any operating deficit that might be incurred by the Host Society.
 - c. games and practice venues to the Host Society at reasonable rates
3. McMaster University will provide:
- a. accommodation and meals for athletes and coaches/managers at discounted rates; discounting to be counted as financial contributions to capital improvements on campus directly related to Games venues
 - b. will not guarantee to underwrite portion of debt.
 - c. will provide other support services as required
 - d. all contributions provided on basis on zero net impact on operating budget.

URBAN\MUNICIPAL
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1996

1996 September 24

Minutes of Hamilton City Council
Tuesday, 1996 September 24
7:30 o'clock p.m.
Council Chamber, City Hall

URBAN MUNICIPAL

SEP 30 1996

GOVERNMENT DOCUMENTS

The Council met:

Present: Mayor Morrow.
Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Wilson,
Eisenberger, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross.

Absent: Alderman Copps - vacation

Mayor Morrow called the meeting to order.

* * * * *

The National Anthem was played.

* * * * *

Bishop Caston C. Johnson, Pastor of the Church of God of Prophecy led Council in prayer.

ADOPTION OF MINUTES

The minutes of the meeting held 1996 August 27, 1996 were adopted as circulated.

PRESENTATIONS

Mr. Ray Harris presented a cheque to Mayor Morrow on behalf of the Downtown B.I.A. for the Fountain Foundation.

* * * * *

Mr. Jack McFarland presented to Mayor Morrow a plaque from the United Council of Veterans on behalf of Sir. John A. MacDonald School (Staff and Students)

* * * * *

A Certificate of Recognition was presented by Mayor Morrow to Tony McNulty, Former President of 504 who retired from Canadian Auto Workers

* * * * *

Mayor R. Morrow presented National Sesquicentennial Gold Pins to Team Ontario Football/Canada Cup. In attendance were John Chrysler, Scott Moreton, Mike Yacusiw, Mike McCarthy, Paul Fleming, Brent Barlow, Ray Thomas, Jacob Marini, Mark Ferris, Doug Trimble - Head Coach, Kevin Harrison - Assistant Coach, Mike King - Assistant Coach Dan Brannigan - General Manager, Andrew Trimnble - Ball Boy

* * * * *

Teruko Uchida, President and S. Polly Shimizau, Vice-President of the Ikenobo Ikebana Society of Hamilton presented Mayor Morrow with a special arrangement which was created by the Senior Visiting Professor Takashi Moribe of the Ikenobo Institute of Kyoto, Japan for the 28th Anniversary Flower Exhibition "Harmony in Growth".

CORRESPONDENCE

1. Copy of a letter dated 1996 September 3 from The Honourable Al Palladini, Minister of Transportation to Rose Caterini, City Clerk for the City of Stoney Creek respecting a resolution regarding the Region of Hamilton-Wentworth's Proposed Urban Transit Area Expansion.

Referred to the Transport and Environment Committee

2. Letter dated 1996 September 12 from the Hamilton Harbour Commissioners re: 1995 Annual Report.

Referred to Finance and Administration Committee.

3. Letter dated 1996 August 28 from Mrs. Tricia George, Deputy Clerk, Town of Flamborough respecting Municipal Government Restructuring and Public Referendum.

Received.

4. Letter dated 1996 September 18 from the County of Brant respecting flightpaths from the Hamilton International Airport.

Referred to Regional Council

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Reports of the Transport and Environment Committee, the Parks and Recreation Committee, the Planning and Development Committee, and the Finance and Administration Committee, be considered in Committee of the Whole with Alderman Anderson in the chair.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Wilson, Eisenberger, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -16

NAYS: -0.

CARRIED.

TRANSPORT AND ENVIRONMENT COMMITTEE - TWELFTH REPORT

Section 1 Re: Conflict of Interest - Preparation of By-law to stop-up, close and sell to abutting owners

Alderman Caplan took no part, refrained from voting on this matter. Alderman Caplan's wife has property adjacent to the subject property.

* * * * *

Section 1 Re: Preparation of By-law to stop-up, close and sell to abutting owners

It was moved by Alderman Merling and seconded by Alderman Jackson that Section 1 of the Twelfth Report for 1996 of the Transport and Environment Committee be amended by deleting sub-sections (a) (iii) through (vii) and (b) (i) through (viii) and by deleting the words "Senior Director of Roads" in sub-section (c) and replacing it with "staff" in lieu thereof and that the sub-sections renumbered accordingly. **CARRIED.**

* * * * *

Section 21 Application of Laidlaw Energy Technologies Limited - 470 Kenora Avenue

It was moved by Alderman Wilson and seconded by Alderman Collins that Section 21 of the Twelfth Report for 1996 of the Transport and Environment Committee be referred back with instructions:

- (a) That the issue be dealt with at the next Transport and Environment Committee meeting, 1996 September 30.
- (b) That representatives of Laidlaw Environmental Inc., appropriate Regional and City staff and representation from the M.O.E.E. be in attendance.
- (c) That the issue of indemnification be discussed and considered.
- (d) That the Mayor call a special meeting of City Council to deal with this matter prior to regional council on 1996 October 01. **CARRIED.**

* * * * *

Section 24 Re: Proposed Transit Shelter locations

It was moved by Alderman Collins and seconded by Alderman Merling that Section 24 of the Twelfth Report of the Transport and Environment Committee for 1996 be amended by deleting the words "warrant scores" in sub-section (b) and replacing them with the following in lieu thereof; "the priority order listed". **CARRIED.**

PARKS AND RECREATION COMMITTEE - THIRTEENTH REPORT

PLANNING & DEVELOPMENT COMMITTEE - FOURTEENTH REPORT

Section 4 Re: Zoning Application ZAC-96-07, Dicon Developments - 988 Upper Paradise

It was moved by Alderman Drury and seconded by Alderman D'Amico that Section 4 of the Fourteenth Report of the Planning and Development Committee for 1996 be amended by deleting sub-section (a) (vi) in its entirety and renumbering the remaining sub-sections accordingly. **CARRIED.**

* * * * *

1

Section 17 Re: Subdivision Application 25T-94004(R) Starward Homes

It was moved by Alderman Drury and seconded by Alderman D'Amico that the Fourteenth Report of the Planning and Development Committee for 1996 be amended by deleting section 17 and the corresponding Appendices "I" and "J". **CARRIED.**

PLANNING & DEVELOPMENT COMMITTEE - FIFTEENTH REPORT

FINANCE & ADMINISTRATION COMMITTEE - FIFTEENTH REPORT

Section 12 Re: Bailiff Services

That Section 12 of the Fifteenth Report for 1996 of the Finance and Administration Committee respecting the collection of outstanding business tax accounts be referred back to the Finance and Administration Committee. **CARRIED.**

* * * * *

Section 20 Re: Rule No. 9 - Oktoberfest in the Village Festival

It was moved by Alderman Charters and seconded by Alderman Jackson that Rule No. 9 of the Procedural By-law No. 95-167 be invoked for this meeting of City Council in order to permit consideration of a resolution respecting the City's comments to the Liquor Licence Board of Ontario concerning an application for a temporary extension of liquor licence for Indigo's, 33 Hess Street South during the "Oktoberfest in the Village" Festival. **CARRIED.**

* * * * *

Section 20 Re: Oktoberfest in the Village Festival

It was moved by Alderman Charters and seconded by Alderman Jackson that the following be added as Section 20 of the Fifteenth Report for 1996 of the Finance and Administration Committee:

20. That the Liquor Licence Board of Ontario be advised that the City of Hamilton is aware of the application for a Temporary Extension of Liquor Licence submitted by Indigo's Restaurant, 33 Hess Street South in conjunction with the Hess Village Merchants Association's "Oktoberfest in the Village" Festival to take place on Saturday, 1996 September 28th to Sunday, 1996 September 29th, and that the City has no objection to the issuance of a Temporary Extension of Liquor Licence for this event. **CARRIED.**

RESOLUTION

Reconsideration of Section 11 - 13th Report
Finance and Administration Committee - July 9, 1996

That Section 11 of the Thirteenth Report for 1996 of the Finance and Administration Committee approved by City Council at its meeting held Tuesday, 1996 July 9, respecting the 5% Land Dedication, reading as follows, be now reconsidered.

- "11. (a) That the City Solicitor be authorized and directed to prepare an amendment to By-law No. 84-252 to allow land to be developed for the purpose of a single family dwelling where land in the amount equal to 5% of the area to be developed, or cash equivalent, has not been conveyed to the City where the building permit has been applied for between 1996 July 10 and 1997 July 11 and the building permit has been issued by 1997 August 1; and,
- (b) That the Building Commissioner be authorized and directed to refund to the building permit applicant the equivalent to the 5% land dedication collected by the City under Section 51.1 and 53 of The Planning Act, if
- (i) the lot being developed is in a plan of subdivision registered before 1997 July 11; and,
 - (ii) the building permit is applied for between 1996 July 10 and 1997 July 11; and,
 - (iii) the building permit is actually issued by the close of business day of the Building Department on 1997 August 1; and,
 - (iv) the proposed building is only a detached single family dwelling as defined by Zoning By-law No. 6593."

Recorded vote.

YEAS: Aldermen Kiss, Caplan, McCulloch, Morelli, Eisenberger, Collins, Jackson, Ross.

NAYS: Mayor Morrow, Aldermen Agro, Drury, Wilson, Charters, Merling, Anderson, D'Amico. -8. **LOST.**

NOTICE OF MOTION FROM PREVIOUS MEETING

It was moved by Mayor Morrow and seconded by Alderman Ross:

That the Prime Minister of Canada be commended for his initiating discussion of another National Infrastructure Program and that the Government of Ontario be encouraged to participate fully in a new program. **CARRIED.**

NOTICE OF MOTION FOR NEXT MEETING
--

Alderman Ross gave notice that he would move at the next regular meeting of City Council the following motion:

WHEREAS, the Region has passed a Motion September 19, 1995, asking the Province to designate Hamilton/Wentworth as a site for a Provincially-run Casino,

WHEREAS, the Province has stated they require a Referendum showing a majority of the people in a Municipality want a Casino,

and, WHEREAS, the Region does not have a ballot in any Municipal Election,

THEREFORE, the Region asks all Municipalities in the Region of Hamilton-Wentworth to place the following question on the ballot in the very next General Municipal Election:

"DO YOU AGREE TO A FULL-FLEDGED CASINO IN YOUR MUNICIPALITY?"

ACTING MAYOR FOR THE MONTH OF OCTOBER

It was moved by Alderman Kiss and seconded by Alderman Caplan that Alderman D. Ross be appointed Acting Mayor for the month of October, 1996. **CARRIED.**

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Report of the Committee of the Whole on the Reports of the Transport and Environment Committee, the Parks and Recreation Committee, the Planning and Development Committee, the Finance and Administration Committee, and resolutions be adopted.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Wilson, Eisenberger, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -16

NAYS: -0.

CARRIED.

City Council then adjourned at 8:50 o'clock p.m.

Taken as read and approved.

MAYOR R. M. MORROW

J. J. Schatz
1996 September 24
JJS/dg

REPORT OF THE TRANSPORT AND ENVIRONMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Transport and Environment Committee presents its **TWELFTH** Report for 1996 and respectfully recommends:

1. (a) (i) That the Commissioner of Transportation be directed to prepare a By-law to stop-up, close and sell to the abutting owners the closed highway (north/south assumed alleyway) as established on Registered Plan 272; and,

(ii) That the City Clerk be directed to publish a notice pursuant to Section 301 of The Municipal Act, R.S.O. 1990, of the City's intention to pass the By-law; and,

(b) That staff meet with effected area residents in an attempt to mediate and determine a possible solution to the alley closure/access issue satisfactory to both parties. **AMENDED.**
2. That all-way stop control be implemented at the intersection of Jackson Street West and Pearl Street on a one year trial basis and that the City Traffic By-law No. 89-72 be amended accordingly.
3. That the application to stop-up, close, retain and lease a portion of East 36th Street from the northerly limit southerly on the west side 5.79m and on the east side 2.59m, be approved, subject to the following conditions:
 - (a) That the Commissioner of Transportation be directed to prepare a By-law to stop up, close, retain and lease to the owner of No. 1 East 36th Street a portion of East 36th Street from the northerly limit southerly on the west side 5.79m and on the east side 2.59m; and,
 - (b) That the Commissioner of Transportation be directed to prepare and register a reference plan under the Registry Act, to delineate the manner in which the proposed closed road allowance is to be leased; and,

- (c) That the Commissioner of Transportation be directed to make application to the Regional Municipality of Hamilton-Wentworth for approval of the proposed closing, pursuant to Section 48 of the Regional Act; and,
 - (d) That the City Clerk be directed to publish a notice of City Council's intention to pass the By-law, pursuant to Section 301 of the Municipal Act, R.S.O. 1990; and,
 - (e) That the applicant provide a 12.0m easement to the Region for the existing 425mm sewer and the existing 150mm watermain in the proposed closure area; and,
 - (f) That the applicant provide a 2.0m easement to Union Gas for their underground plant on the west side of the closure area.
4. That a "Two Hour Parking Time Limit, 8:00 a.m. to 6:00 p.m., Monday to Saturday" regulation be implemented on the west side of Summit Avenue commencing at a point 154 feet north of Concession Street and extending to a point 41 feet northerly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly.
5. (a) That a "Permit Parking" regulation be implemented on the east side of Paling Avenue commencing at a point 603 feet south of Barton Street East and extending to a point 27 feet southerly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly; and,
- (b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Ms. Lisa Taylor, No. 286 Paling Avenue.
6. That the existing "Wheelchair Loading Zone, 7:00 a.m. to 6:00 p.m., Monday to Saturday" regulation on the east side of Rifle Range Road commencing at a point 266 feet south of the south curb line of Whitney Avenue and extending 30 feet southerly be extended 10 feet northerly and that the City Traffic By-law No. 89-72 be amended accordingly.
7. (a) That an "Alternate Side Parking" regulation be implemented on Knyvet Avenue and Kelso Street between Inverness Avenue East and Highcliffe Avenue, such that parking is prohibited:

- (i) on the east and south sides of the streets during the months of December, January, February and March and from the 1st to the 15th day of April, May, June, July, August, September, October and November; and,
 - (ii) on the west and north sides of the streets from the 16th to the last day of April, May, June, July, August, September, October and November; and,
 - (b) That the City Traffic By-law No. 89-72 be amended accordingly.
8. (a) That a "Permit Parking" regulation be implemented on the north side of Keith Street commencing at a point 116 feet east of Emerald Street North and extending to a point 18 feet easterly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly; and,
- (b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Mrs. Maria Botelho, No. 19 Keith Street.
9. That the existing "Permit Parking" regulation on the south side of Maplewood Avenue commencing at a point 76 feet west of Cedar Avenue and extending to a point 18 feet westerly therefrom be removed and that the City Traffic By-law No. 89-72 be amended accordingly.
10. That a "No Stopping" regulation be implemented on the south side of Somerset Avenue, commencing at Barnesdale Avenue North and extending to a point 32 feet westerly therefrom, and that City Traffic By-law No. 89-72 be amended accordingly.
11. (a) That an "Alternate Side Parking" regulation be implemented on Rochelle Avenue between Queen Victoria Drive and Stone Church Road East such that parking is prohibited:
- (i) on the west side of the street from December to March, and from the 1st to the 15th day of April, May, June, July, August, September, October and November; and,
 - (ii) on the east side of the street from the 16th to the last day of April, May, June, July, August, September, October and November; and,

- (b) That the City Traffic By-law No. 89-72 be amended accordingly.
-
- 12. (a) That a "Permit Parking" regulation be implemented on the south side of Francis Street commencing at a point 180 feet east of Douglas Street and extending to a point 17 feet easterly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly; and,
 - (b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Mrs. Bridges, No. 60 Francis Street.
 - 13. That the Commissioner of Public Works and Traffic be authorized to issue, upon request, four Time Limit Exemption Permits to each of the first four eligible applicants residing in the apartment building at No. 2 Bold Street.
 - 14. (a) That a "Permit Parking" regulation be implemented on the north side of Dunsmure Road commencing at a point 96 feet east of Park Row North and extending to a point 19 feet easterly therefrom, and on the south side of Dunsmure Road commencing at a point 102 feet east of Park Row North and extending to a point 18 feet easterly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly; and,
 - (b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Mr. Paul Sedgwick, No. 509 Dunsmure Road.
 - 15. That the existing "Permit Parking" regulation on the east side of Fairfield Avenue North commencing at a point 26 feet south of Vansitmart Avenue and extending to a point 40 feet southerly therefrom be shortened such that the regulation extends to a point 20 feet southerly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly.
 - 16. That a "Wheelchair Loading Zone, 8:00 a.m. to 5:00 p.m., Seven Days a Week" regulation be implemented on the west side of Delena Avenue South commencing at a point 195 feet south of Main Street East and extending to a point 23 feet southerly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly.

17. That the existing "Alternate Side Parking" regulation on Gladstone Avenue between Main Street East and Delaware Avenue be replaced with a "No Parking Anytime" regulation on the west side and a "Two Hour Parking Time Limit, 24 hours a day, Monday to Friday" regulation on the east side and that the City Traffic By-law No. 89-72 be amended accordingly.
18. That a "No Parking" regulation be implemented on the west side of Lockheed Drive commencing at Paris Avenue and extending to a point 90 feet southerly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly.
19. That three-way stop control be implemented at the intersection of MacNab Street North and Colbourne Street that the City Traffic By-law No. 89-72 be amended accordingly.
20.
 - (a) That the Property Department be authorized to proceed with disposal of Part 5 of Plan 62R-9436 (No. 1504 Upper Gage Avenue) in accordance with the City Real Property Sales Procedural By-law No. 95-049, whereby the option to purchase documents be prepared to sell Part 5 to the abutting owner to the south at a price of \$2; and,
 - (b) That the sale be subject to the following conditions:
 - (i) The subject lands will not be sold by the City until the subject lands and the adjoining lands have been rezoned to allow for single family detached residential purposes only; and,
 - (ii) The purchaser proceed to lift the 1 foot reserve, known as Part 4 of Plan 62R-9436 and reimburse the City and the Region for the servicing and road costs associated with Royal Vista Drive, in the amount of \$97,702.71 prior to the closing date; and,
 - (iii) That should the subject lands not be developed for residential purposes within the next five years, the property ownership will revert to the City for the cost of \$2.

21. That the application of Laidlaw Energy Technologies Limited (No. 470 Kenora Avenue North, Hamilton) to install an 8 inch buried pipeline on the north side of Kenora Avenue from SWARU westerly along the Brampton Street road allowance, under the Red Hill Creek, westerly on the south side of the northern half of the Brampton Street road allowance, and then north into the Sewage Treatment Plant property to enter the facility operations at the Boiler Building, not be approved and not be subject to the following conditions:
- (a) The applicant enter into an agreement in a form satisfactory to the Commissioner of Transportation, and the City Solicitor; and,
 - (b) The applicant pays a one time fee of \$252 for processing and registration; an annual fee of 10% of 50% of the market value of the land encumbered by the service; and a fee of \$3,000 for field inspection and quality control by the Region; and,
 - (c) The applicant provides proof of \$10,000,000 public liability insurance, naming the Region and the City of Hamilton as added insured parties within a provision for cross liability, saving the Region and the City of Hamilton harmless from all actions, causes of action, interests, claims, demands, costs, damages, expenses and loss; and,
 - (d) That the applicant becomes an active member of the Call-BUD locate agency and that they apply for and receive all necessary permits; and,
 - (e) That the applicant and/or his contractor be bonded with the Region to undertake excavation works on Regional roads; and,
 - (f) All restoration of road allowance is to be in accordance with the applicable OPS Standards; and,
 - (g) The Mayor and City Clerk be authorized to execute the City's standard form of encroachment agreement; and,
 - (h) That the appropriate By-law be introduced and approved; and,
 - (i) That the applicant save the City of Hamilton harmless for any liability which may occur as a result of this pipeline.

Note: The above recommendation lost on a tie vote at the Transport and Environment Committee. At the direction of the Committee and in accordance with City Procedural By-law No. 95-167 Section 36 (b) it is presented as a negative recommendation.

Section 21 referred back with the following instructions:

- (a) That the issue be dealt with at the next Transport and Environment Committee meeting, 1996 September 30.
 - (b) That representatives of Laidlaw Environmental Inc., appropriate Regional and City staff and representation from the M.O.E.E. be in attendance.
 - (c) That the issue of indemnification be discussed and considered.
 - (d) That the Mayor call a special meeting of City Council to deal with this matter prior to regional council on 1996 October 01.
22. That purchase orders be issued for Hired Equipment Contractors as outlined on Appendix "A" attached hereto, as and when required during 1996 and 1997 in accordance with the specifications issued by the Treasury Department - Purchasing Division, and the Public Works Department, and that this expenditure be financed through various approved accounts.
23. (a) That the following property be declared surplus to the requirements of the City in accordance with Realty Sales Procedural By-law No. 95-049:
- "the lands composed of part of an alley lying immediately north of Lot 6, Plan 31, designated as Part 1 on Plan 62R-13138 and containing an area of 10.68 square metres (115 square feet) more or less"
- (b) That an Offer to Purchase (Highway Closure), to be executed by Edward Adrian and Paul Bellemore and scheduled to close thirty (30) days after the conditions of the Offer have been fulfilled to the satisfaction of the City, being on or before the 1997 January 31, for the lands composed of part an alley lying immediately north of Lot 6, Plan 31, designated as Part 1 on Plan 62R-13138 and containing an area of 10.68 square metres (115 square feet) more or less, as shown on Schedule "A" attached to the Agreement, closed by Judge's Order dated 1996 July 26 registered as Instrument No. VM 232957 on 1996 August 13, be approved and completed as the requirements in the Municipal Act pursuant to the City's Real Property Procedural By-law No. 95-049 enacted on 1995 February 14 have been fulfilled by the City, and the funds derived from this sale of \$2, be credited to Account No. CH4X501 00102 (Reserve for Property Purchases (Sales)); and,

- (c) That the Mayor and City Clerk be authorized and directed to execute the necessary documents; and,
 - (d) That in accordance with Real Property Sales Procedural By-law No. 95-049:
 - (i) satisfactory notice given pursuant to Section 300 of the Municipal Act (the highway sale provision); and,
 - (ii) no appraisal of the fair market value of the real property being sold was obtained as Highway (Public Alleyway) closures and sales are exempt from the appraisal requirements of Section 193 of the Municipal Act; and,
 - (iii) the City Clerk be authorized and directed to execute (and issue) a Certificate of Compliance in a form prescribed pursuant to Section 193 of the Municipal Act.
24. (a) That City Council approve 68 proposed transit shelter locations in the City of Hamilton from the attached Appendix "B" as candidate shelter locations for the 1996 HSR Shelter Program; and,
- (b) That the HSR install a maximum of 10 shelters at these candidate locations in the priority indicated by the priority order listed and subject to finalizing the necessary encroachment agreements; and, **AMENDED**.
- (c) That the remaining candidate shelter locations which do not receive a shelter through the 1996 HSR Shelter Program be considered for future years.
25. (a) That the Regional Municipality of Hamilton-Wentworth be advised that the City of Hamilton concurs with the recommendation put forth in the "Proposed Bench Advertising Agreement (RDS 96-202)" report dated 1996 July 25; and,
- (b) That the Regional Municipality of Hamilton-Wentworth be advised that the City of Hamilton recommends as a condition of approval, the applicant be responsible for the collection of the bench litter containers.
26. That "No Stopping" regulations be implemented on the south side of Chedmac Drive commencing at a point 600 feet west of Rice Avenue and extending to a point 77 feet westerly therefrom and commencing at a point 870 feet west of Rice Avenue and extending to a point 83 feet westerly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly.

27. That all-way stop control be implemented at the intersection of Castlefield Drive and Fernwood Crescent and that City Traffic By-law 89-72 be amended accordingly.
28. That the following Bills be adopted, signed, sealed and enrolled as By-laws:
- (a) A-44 A By-law to Amend By-law No. 89-72 to Regulate Traffic
 - (b) A-45 A By-law to Amend By-law No. 89-72 to Regulate Traffic
 - (c) A-46 A By-law to Incorporate City Land Designated as Part 16, on Plan 62R-6257 into Queen Victoria Drive.

Respectfully Submitted,

Kevin C. Christenson
Secretary

ALDERMAN H. MERLING, CHAIRMAN
TRANSPORT AND ENVIRONMENT COMMITTEE

1996 September 16

Appendix "A" as referred to in
 Section 22 of the Twelfth Report of the
 Transport and Environment Committee
 for 1996

CONTRACTOR	EQUIPMENT	1996	1997
Cardi	Cat 416 XL x 2	\$50.00	\$50.00
Chastney	Case 580 E x 2	\$53.00	\$55.00
Digmore	Case 580 E	\$52.00	\$54.00
L & M	Case 580 SK x 2	\$51.00	\$52.00
G. F. Mason	Ford 55B extend-a-hoe	\$52.00	\$54.00
J.D.R.	JD 310D	\$56.25	\$58.25
Woytkiw	555D Ford x 2	\$56.95	\$58.95

1996 PROPOSED TRANSIT SHELTER LOCATIONS
(City of Hamilton)

No.	Stop #	On Street	At Street	Corner	City	Shelter Type	Total Score
1	82526	Sterling St.	at Haddon Street	S/W	HAM	AD	50
2	82709	Hunter St. W.	at Hess St. S.	N/E	HAM	D	53
3	72525	King St. E.	at Sherman Ave.	N/E	HAM	CD	77
4	72547	King St. E.	at Wexford Ave.	N/E	HAM	AD	56
5	72858	Greenhill Ave.	at Mt. Albion Rd.	S/E	HAM	D	57
6	50491	Upper Gage Ave.	at N Mohawk Rd. (#801)	E/Side	HAM	AD	59
7	50153	Upper Wellington St.	at Brigade Dr.	S/E	HAM	D	49
8	60118	West 5th St.	at Mohawk Rd. W.	N/W	HAM	AD	66
9	90812	King St. E. (South leg)	at James St. (#25 & 26 stop)	N/E	HAM	GPV	79
10	90816	King St. E. (South leg)	at Hughson St. (#23 & 24 stop)	N/E	HAM	GPV	79
11	90814	King St. E. (South leg)	at Hughson St. (#27 & 35 stop)	N/W	HAM	GPV	79
12	90818	King St. E. (South leg)	at John St. (#21 & 22 stop)	N/W	HAM	GPV	79
13	72319	Barton St. E.	at Birch Ave.	N/E	HAM	AD	77
14	72314	Barton St. E.	at Wentworth St.	S/E	HAM	D	77
15	90106	MacNab St. S.	at King St. W. (Cannon Stop)	S/W	HAM	D	73
16	82623	Main St. W.	at E Newton Ave.	N/Side	HAM	AD	73
17	72521	King St. E.	at Stirton St.	N/E	HAM	CD	72
18	70817	Ottawa St. S.	at Main St. E.	S/E	HAM	D	69
19	51021	Concession St.	at Cliff Ave.	N/E	HAM	AD	67
20	50447	Upper Gage Ave.	at Rymal Rd. E.	N/E	HAM	D	67
21	80006	James St. N.	at Murray St. W.	N/W	HAM	AD	64
22	60040	Upper James St.	op. South Hamilton Sq.	E/Side	HAM	AD	64
23	50331	Upper Sherman Ave.	at Princip St.	N/E	HAM	D	64
24	50316	Upper Sherman Ave.	at Franklin Rd.	S/W	HAM	D	62
25	50202	Upper Wentworth St.	at Queensdale Ave. E.	N/W	HAM	CD	61
26	50407	Upper Gage Ave.	at Brucedale Ave.	S/E	HAM	AD	60
27	50139	Upper Wellington St.	op. Towercrest Dr.	E/Side	HAM	D	60
28	50240	Upper Wentworth St.	at Pescara Ave.	N/W	HAM	AD	60
29	72134	Burlington St. E.	at Proctor & Gamble	S/Side	HAM	CD	59
30	60010	Upper James St.	at Monarch Rd.	N/W	HAM	AD	58
31	51012	Concession St.	at East 13th St.	S/W	HAM	AD	57
32	51019	Concession St.	at Upper Wentworth St.	N/Side	HAM	AD	57

**1996 PROPOSED TRANSIT SHELTER LOCATIONS
(City of Hamilton)**

No.	Stop #	On Street		At Street	Corner	City	Shelter Type	Total Score
33	51242	Fennell Ave. E.	at	Glenford Ave.	S/W	HAM	CD	57
34	72674	Queenston Rd.	at	#770 Queenston	S/Side	HAM	D	57
35	50543	Upper Ottawa St.	at	Unsworth Dr.	N/E	HAM	D	57
36	50140	Upper Wellington St.	at	Stone Church Rd. E.	N/W	HAM	AD	57
37	71424	Beach Blvd.	at	Van Wagner's Beach Rd.	N/W	HAM	D	56
38	82640	Main St. W.	op	Binkley Rd.	S/Side	HAM	AD	56
39	50442	Upper Gage Ave.	at	Rymal Rd. E.	N/W	HAM	AD	55
40	60337	Upper Paradise Rd.	at	Rymal Rd. W.	N/E	HAM	AD	55
41	50325	Upper Sherman Ave.	at	Berko Ave.	S/E	HAM	AD	54
42	60141	West 5th St.	at	Stone Church Rd. W.	S/E	HAM	D	54
43	81003	Franklin Ave.	at	Longwood Rd.	N/W	HAM	D	53
44	70707	Gage Ave. N.	at	Beach Rd.	N/E	HAM	AD	52
45	72859	Greenhill Ave.	at	Mt. Albion Rd.	N/E	HAM	D	52
46	72872	Greenhill Ave.	at	Summercrest Dr.	N/E	HAM	D	52
47	60401	Sanatorium Rd.	op	San Brow Building	N/Side	HAM	D	52
48	72261	Glow Ave.	at	Parkdale Ave. N.	N/E	HAM	D	51
49	72258	Glow Ave.	at	Parkdale Ave. N.	S/E	HAM	D	51
50	40017	Paramount Dr.	op	Atlas St.	E/Side	STO	D	51
51	82414	Strathcona Ave.	op	Lamoreaux St.	E/Side	HAM	D	50
52	60233	Garth St.	op	#1440 Garth St.	E/Side	HAM	D	49
53	72582	Greenhill Ave.	op	Monte Dr.	W/Side	HAM	D	49
54	81114	McMaster Service Rd.	at	Main St. Exit	S/W	HAM	D	48
55	50445	Upper Gage Ave.	at	Golden Gate Ave.	N/E	HAM	CD	47
56	50241	Upper Wentworth St.	at	Stone Church Rd. E.	S/E	HAM	AD	47
57	72226	Beach Rd.	at	Albemarle St.	S/W	HAM	D	46
58	80129	MacNab St. S.	at	Robinson St.	S/E	HAM	D	46
59	72584	Greenhill Ave.	at	Tasha Ct.	N/W	HAM	D	44
60	72152	Burlington St. E.	at	Parkdale Ave. N.	S/W	HAM	D	42
61	72374	Woodward Ave.	at	Melvin Ave.	N/E	HAM	AD	42
62	50243	Upper Wentworth St.	at	Balharbour Dr.	N/E	HAM	AD	42
63	50247	Upper Wentworth St.	at	Elite Dr.	S/E	HAM	AD	42
64	51115	Queensdale Ave. E.	op	East 15th St.	N/Side	HAM	D	41

**1996 PROPOSED TRANSIT SHELTER LOCATIONS
(City of Hamilton)**

No.	Stop #	On Street		At Street	Corner	City	Shelter Type	Total Score
65	n/a	Upper Sherman Ave.	at	Rymal Rd. E.	N/E	HAM	D	41
66	n/a	Upper Sherman Ave.	at	Rymal Rd. E.	N/W	HAM	D	41
67	71213	Woodward Ave.	at	Melvin Ave.	N/E	HAM	D	41
68	60133	Chester Ave.	at	West 5th St.	S/W	HAM	D	40

REPORT OF THE PARKS AND RECREATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Parks and Recreation Committee presents its **THIRTEENTH** Report for 1996 and respectfully recommends:

1. That the Director of the Culture and Recreation Department be authorized to utilize \$2,500 of the funds available in Trust Account No. CH25215 00183 to cover additional costs associated with the purchase of wallpaper recommended for the restoration of the T.B. McQuesten bedroom at Whitehern.
2.
 - (a) That approval be given to the Director of the Culture and Recreation Department to deaccession the three dimensional objects from the Hamilton Military Museum's collection that are listed on Appendix "A" attached hereto; and,
 - (b) That the deaccessioned items listed in Appendix "A" attached, be disposed of according to the Museum Policy and City of Hamilton Purchasing Policy.
3. That the Director of the Culture and Recreation Department be authorized to spend up to \$2,500 from the Hamilton Children's Museum's Reserve Account No. CH5X946 00183 for the purchase of a computer for public use in the exhibition area at the Hamilton Children's Museum.
4.
 - (a) That staff be authorized to issue a Purchase Order to purchase kitchen equipment and fabricated stainless steel items to Niagara Restaurant Supply Ltd.; \$28,315 plus applicable taxes, W.A. Halcovitch Sales; \$25,188 plus applicable taxes and Russell Food Equipment Ltd.; \$5,428 plus applicable taxes; and,
 - (b) That staff be authorized to expend \$7,000 in contingency to cover installation and hookups of equipment and other unforeseen circumstances; these expenditures are to be pre-authorized by the Director of the Culture and Recreation Department; and,

- (c) That the total amount of \$65,931 plus applicable taxes be charged to Account No. CF719441022.
- 5.
- (a) That staff be authorized to issue a Purchase Order to Bestco Construction Corp. for \$69,538 plus applicable taxes to the total of \$74,406 to complete and rectify the barrier free design modifications in Westmount Recreation Centre, Ryerson Recreation Centre and Scott Park Arena originally completed in 1994-1995; and,
 - (b) That the work be financed from Barrier Free Access - All City Buildings Canada Ontario Infrastructure Programme, Account No. CF809453005; and,
 - (c) That staff be authorized to include the modification required to enlarge the door opening leading to Club 68 in Ivor Wynne Stadium to comply with the Barrier Free Design Standards to a maximum cost of \$7,500; and,
 - (d) That the amount of \$7,500 referred to in sub-section (c) be charged against the contingency carried in the project; and,
 - (e) That staff be authorized to carry a project contingency of \$15,000 (including GST) to be spent for unforeseen circumstances, authorized by the Director of Culture and Recreation.
6. That the 1996 Fee Schedule for the Culture and Recreation Department as approved by the Committee of the Whole on 1996 February 26, be amended to allow the negotiation down to an off prime time hourly ice rental rate of \$65, for those hours of operation between 6:00 o'clock a.m. and 4:00 o'clock p.m., Monday through Friday, (Winter Season), for groups booking in excess of four hours, or contracts for greater than five weeks, at all Arena facilities.
- 7.
- (a) That staff be authorized to issue a Purchase Order for \$20,000 plus applicable taxes, to Edwin Rowse Architect Inc. of Toronto to conduct a Barrier Free Design study, all Cultural Facilities; and,
 - (b) That staff be authorized to carry a project contingency of \$3,000 plus applicable taxes, to cover additional services, if required, as authorized by the Director of the Culture and Recreation Department; and,
 - (c) That the total amount of \$23,000 plus applicable taxes, be charged to Account No. CF329341012 (Barrier Free Access, Design Study).

8. That the Wearing of the Green Committee be permitted to install a monument in Gage Park as shown on the plan attached hereto as Appendix "B" dedicated to all Irish settling in Hamilton, based on the sketch dated 1996 September 2 and attached hereto as Appendix "C".
9.
 - (a) That staff be authorized to proceed with application under the Niagara and Hamilton-Wentworth Waterfront Trail Program to secure Provincial funding towards the expansion of the City's Trail network; and,
 - (b) That Management Team be requested to consider this project in the 1997-1998 Capital Budget fiscal year.
10. That an amount of \$756 be returned to the City of Hamilton for subsidizing the 1996 Ontario Chapter, Canadian Public Works Association's Golf Tournament at King's Forest Golf Course on Wednesday, 1996 June 12.
11.
 - (a) That on-going maintenance of the Hamilton Beach be considered as a submission for the 1997 Current Budget deliberations as an expansion of service at an annual cost of \$18,000; and,
 - (b) That staff prepare a Capital Budget submission for Hamilton Beach Improvements in the amount of \$50,500; and,
 - (c) That staff be authorized to proceed with application under the Niagara and Hamilton-Wentworth trail program to secure Provincial funding toward this expansion of the City's trail network in the Hamilton Beach Area; and,
 - (d) That Management Team be requested to consider the Hamilton Beach Improvements in the 1997-1998 Capital Budget fiscal year.

Respectfully Submitted,

**ALDERMAN F. EISENBERGER, CHAIRMAN
PARKS AND RECREATION COMMITTEE**

Kevin C. Christenson, Secretary

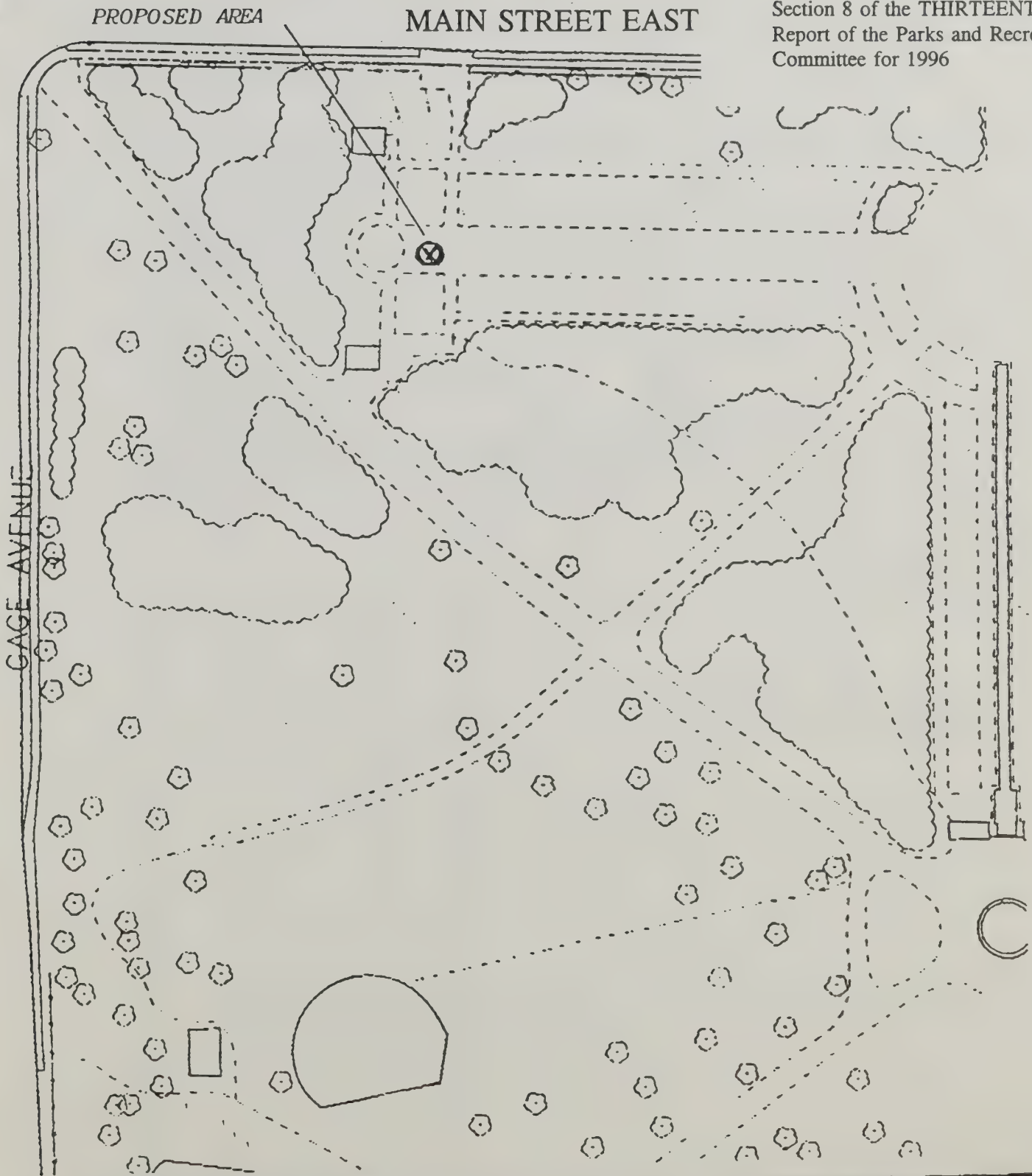
1996 September 17

Appendix "A" as referred to
in Section 2 of the Thirteenth Report
of the Parks and Recreation
Committee for 1996

Three dimensional objects to be deaccessioned from the Hamilton Military Museum collection:

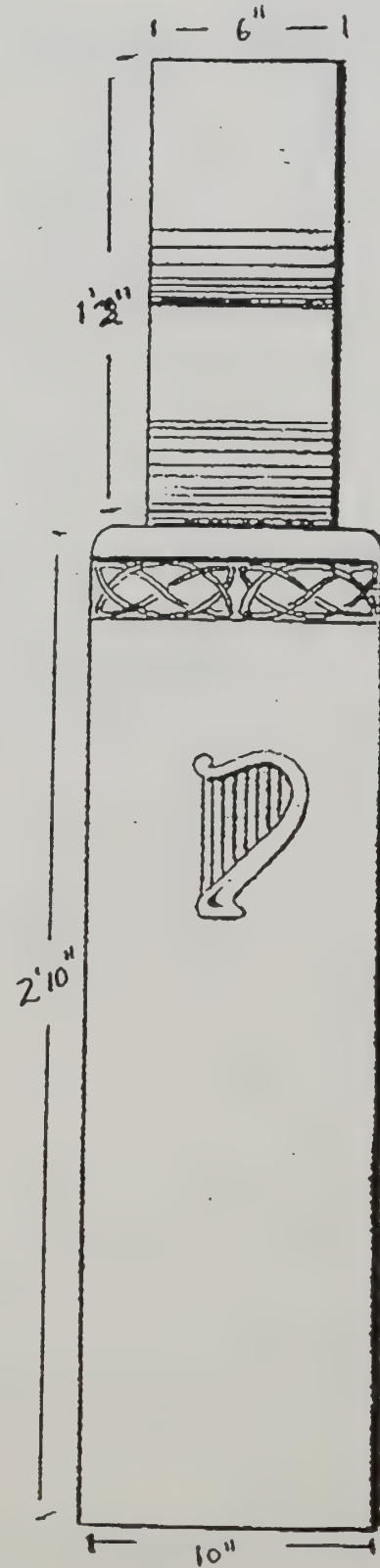
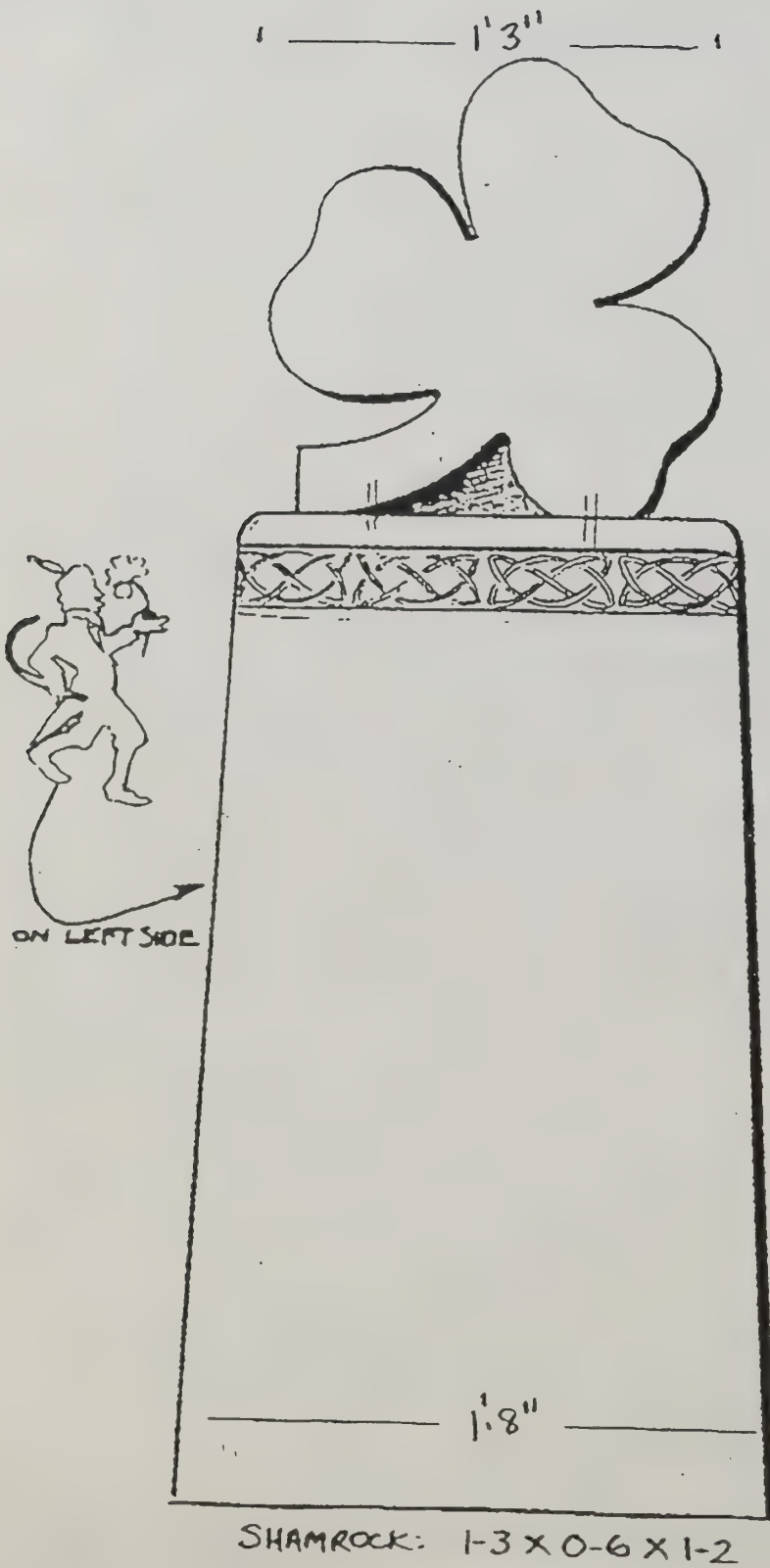
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|------------|--|
| 1976.093.1 | Black and white reproduction flintlock pistol (tourist item) |
| 1977.429.3 | German breech loading rifle, colonial trade firearm |
| 1979.675.1 | Danzig musket |
| 1979.676.1 | .22 calibre Hobert rifle |
| 1979.677.1 | Short barrellled rifle |
| 1979.678.1 | U.S. percussion lock rifle cut down for sporting use |
| 1979.684.1 | .22 calibre sporting rifle |
| 1979.685.1 | Breech loading rifle cut down for sporting use |
| 1979.686.1 | Providence Tool Co. (Rhode Island) rifle |
| 1979.866.1 | Sporting percussion cap rifle |

Appendix "B" as referred to
Section 8 of the THIRTEENTH
Report of the Parks and Recreation
Committee for 1996



	Project	GAGE PARK	Date	R.H.
	Title	North West Section	Scale	1:1000
	862	Dwg. No.		

Appendix "C" as referred to in
Section 8 of the THIRTEENTH
Report of the Parks and Recreation
Committee for 1996



REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Planning and Development Committee presents its **FOURTEENTH** Report for 1996 and respectfully recommends:

1. That approval be given to Zoning Application 96-09, Hamilton Habitat for Humanity, owner, for changes in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Dwellings) District for Block "1" and from "AA" (Agricultural) District to "R-4" - 'H' (Small Lot Single-Family Dwellings - Holding) District for Block "2", for property located at 607 Queen Victoria, shown on the attached map marked as Appendix "A", on the following basis:

- (i) That Blocks "1" & "2" be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Dwellings) District; and,
- (ii) That the amending By-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O., 1990, to Block "2" of the subject lands by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision will prohibit the development of Block "2" until the lands are assembled with the adjoining lands to the south for development.

City Council may remove the 'H' symbol, and thereby give effect to the "R-4" District provisions as stipulated in this By-law by enactment of an amending By-law once the condition is fulfilled; and,

- (iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-49B for presentation to City Council; and,
- (iv) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area; and,
- (v) That the approved Quinndale Neighbourhood Plan be amended by redesignating the subject lands from "Attached Housing" to "Single and Double Residential" upon finalization of the implementing By-law.

2. (a) That approval be given to Amended Zoning Application 96-10, E.L. Richter, lessee, for a modification to the established "A" (Conservation, Open Space, Park and Recreation) District regulations for Block "1" and to the "JJ" (Restricted Light Industrial) District regulations for Block "2", to permit parking only, in conjunction with the adjacent lands located at No. 244 Lake Avenue North, for lands located on the north side of Barton Street East, east of No. 244 Lake Avenue North, as shown on the attached map marked as Appendix "B", on the following basis:
 - (i) That the "A" (Conservation, Open Space, Park and Recreation) District regulations as contained in Section 7 of Zoning By-law No. 6593, applicable to Block "1", be modified to include the following variances as special requirements:
 - (1) Notwithstanding Section 7.(1) of By-law No. 6593, a parking area only as an accessory use to a permitted use at No. 244 Lake Avenue North, shall be permitted; and,
 - (2) Sections 18A.(11) and 18A.(12) shall not apply to a parking area accessory to a permitted use at No. 244 Lake Avenue North; and,
 - (ii) That the "JJ" (Restricted Light Industrial) District regulations as contained in Section 16A.(1) of Zoning By-law No. 6593, applicable to Block "2", be modified to include the following variance as a special requirement:
 - (1) Notwithstanding Section 16A.(1) of By-law No. 6593, a parking area as an accessory use to a central mail order business with showroom and office and a retail outlet for industrial and agricultural parts, equipment, accessories and related products use located at No. 244 Lake Avenue North, shall be permitted; and,
 - (iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1369, and that the subject lands on Zoning District Map E-113 be notated S-1639; and,
 - (iv) That the Director of Planning and Development be directed to prepare a By-law, in a form satisfactory to the City Solicitor, to amend Zoning By-law No. 6593 and Zoning District Map E-113 for presentation to City Council; and,

- (v) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

- 3. (a) That approval be given to Official Plan Amendment No. 136 to redesignate the lands encompassed by the Tiffany Creek Environmentally Sensitive Area within the Falkirk West Neighbourhood from "Residential" and "Major Institutional" to "Open Space" on Schedule A - Land Use Concept of the Official Plan; and,
- (b) That the proposed Falkirk West Neighbourhood Plan policies and land use schedule, marked as Appendix "C", be adopted.
- 4. (a) That approval be given to amended Zoning Application ZAC-96-07, Dicon Developments, owners, requesting a change in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District and "C" (Urban Protected Residential, etc.) District, for property located west of Upper Paradise Road, south of Stone Church Road West and north of Rymal Road, known municipally as 988 Upper Paradise Road, shown as Blocks "1" and "2" on the attached map marked as Appendix "D", on the following basis:
 - (i) That Block "1" be rezoned from "AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District; and,
 - (ii) That Block "2" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District; and,
 - (iii) That the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of Zoning By-law No. 6593, applicable to the lands shown as Block "2", be modified to include the following variances, as special requirements:
 - (1) That notwithstanding Section 9.(3)(i) of Zoning By-law No. 6593, a front yard having a depth of not less than 8.5 metres shall be provided and maintained; and,
 - (2) That notwithstanding Section 9.(4) of Zoning By-law No. 6593, every lot or tract of land shall have a minimum width of 15.0 metres and an area of at least 450 square metres within the district; and,

(3) That in addition to the requirements of Section 18A. of Zoning By-law No. 6593, a T-shaped manouvering area shall be provided and maintained for each single family dwelling;

(iv) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1370, and that the subject lands on Zoning District Map W-9B be notated S -1370; and,

(v) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-9B for presentation to City Council; and,

(vi) That the City Solicitor be directed to prepare a By-law to amend By-law 79-275 to place the lands identified as Block "2" under Site Plan Control; and,

(vii) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area. **AMENDED.**

5. That the Building Commissioner be authorized to issue demolition permits in accordance with By-law 74-290 pursuant to Section 33 of the Planning Act for the following properties:

(a) 1187 West 5th Street; and,

(b) 1193 West 5th Street.

6. (a) That the City of Hamilton, pursuant to its mandate of Community Improvement and Renewal under the Planning Act, implement a Downtown Convert/Renovate-to-Rent Loan Program (as outlined and attached hereto as Appendix "E") to provide interest free loans to owners of commercial properties located within the downtown core (described as attached hereto and marked as Appendix "F"), for conversions of vacant upper floor non-residential premises into apartments or renovations to existing apartments in commercial buildings to bring them in compliance with the Property Standards By-law and Fire Code; and,

(b) That this Loan Program be approved conditional upon:

(i) approval by the Planning and Development Committee and Council of:

- (1) a By-law to designate as a Community Improvement Project Area pursuant to the Planning Act, (s. 28), that portion of the downtown outlined in the attached Appendix "F"; and,
 - (2) a By-law to adopt a Community Improvement Plan for the said designated area to provide for the Downtown Convert/Renovate-to-Rent Loan Program (as generally outlined in attached Appendix "E "); and,
- (ii) approval of the Minister of Municipal Affairs and Housing to the said two by-laws and to the City's exercise of its authority and power under the community improvement provisions of the Planning Act for the purpose of carrying out the said Plan; and,
- (iii) the initial capital funding of \$180,000 from the City being approved by Council upon the recommendation of the Finance and Administration Committee; and,
- (c) That the Regional Municipality of Hamilton-Wentworth, pursuant to the Regional mandate to encourage economic development within the Region, be requested to make this Loan Program a joint community improvement/economic development project by matching the City's \$180,000 such that the total loan Capital available for the Downtown Convert/Renovate-to-Rent Loan Program project shall be \$360,000; and,
- (d) That the City Solicitor be authorized to prepare the said two by-laws for presentation to Council; and,
- (e) That staff be authorized and directed to:
 - (i) in preparation for adoption of the Community Improvement Plan by by-law, as required by the Planning Act, prepare and submit the proposed Community Improvement Plan (including the terms of the Downtown Convert/Renovate-to-Rent Loan Program outlined in Appendix "E") to Council and hold a public meeting to receive citizen input; and,
 - (ii) prepare the proposed by-law schedule in accordance with attached Appendix "F" to define the downtown area to be designated by By-law as a new Community Improvement Area pursuant to the community improvement provisions of the Planning Act (sec. 28); and,
 - (iii) apply to the Minister of Municipal Affairs and Housing for the approvals referred to in paragraph (b)(ii) above; and,

- (f) That the Building Department, Housing and Loans Division, administer the Downtown Convert/Renovate-to-Rent Loan Program after the said conditions have been fulfilled.
- 7.
- (a) That an Option to Purchase by the City of Hamilton, duly executed by the owner Canadian National Railway Company on 1996 September 5, and scheduled to close on or before 1996 November 4, for the lands situated in the City of Hamilton, in the Regional Municipality of Hamilton-Wentworth and being composed of part of Lot 13, Concession 1, in the former Geographic Township of Barton, now in the City of Hamilton; part of South Street between Cathcart and Ferguson Avenue, on Registered Plan 89, part of Lane north of Murray Street, part of Lots 132 and 134 and all of Lot 133 on Registered Plan 287; part of Lane south of Murray Street and part of Lots 112, 121, 122, 123, 124, 125 and 126 on Registered Plan 287, comprising in total an area of .36 hectares (0.9 acres) more or less, all shown as Parts 1, 4 and 5 on Plan 62R-12423, identified as CN PIN Number 40835, be approved and completed and the purchase price of \$3,112.50 be charged to Account No. CF 5698 429102003 (Central Beasley); and,
 - (b) That an Option to Purchase by the City of Hamilton, duly executed by the owner Canadian National Railway Company on 1996 September 5, and scheduled to close on or before 1996 November 4, for the lands situated in the City of Hamilton, in the Regional Municipality of Hamilton-Wentworth and being composed of part of Lot 13, Concession 1, in the former Geographic Township of Barton, now in the City of Hamilton, part of Elgin Street (now closed), part of lane adjoining Lots 87 and 88 on Registered Plan Number 287, part of Lot 88 on Registered Plan Number 287, part of Murray Street (now closed), having a frontage of 119.091 metres (390.71 feet) more or less, along the western limit of Ferguson Avenue, comprising an area of .40 hectares (1.0 acre) more or less, all shown as Part 1 on Plan 62R-13522, identified as CN PIN Number 40708, be approved and completed and the purchase price of \$3,162.50 be charged to Account No. CF 5698 429102003 (Central Beasley); and,
 - (c) That as consideration in the amount of \$2.00 has been paid to the owner pursuant to the agreement, this amount be deducted from the purchase price; and,
 - (d) That the Mayor and City Clerk be authorized and directed to execute the necessary documents.

8. (a) That Schedule 'B' of By-law No. 86-144, as amended, appointing the Concession Street B.I.A. Board of Management be amended to delete the following name:

SCHEDULE 'B'

Norm Woolcott

Woolcott's Shoes

and add the following:

John Woolcotts

Woolcott's Shoes

Debbi Johnson

Why Pay More

Paul Wharton

Wharton's Copy Print and More

- (b) That the City Solicitor be authorized and directed to prepare a By-law to amend Schedule 'B' of By-law No. 86-144 pursuant to (1.) above.
9. That the historical designation of a house at 2774 King Street East be removed by the enactment of a By-law to repeal the Designation By-law.
10. That the appropriate By-law to amend the Conveyance of Land for Park Purposes By-law, the Planning Fees By-law, the Committee of Adjustment By-law and the Building Permit and Fees By-law be enacted.
11. That the Building Commissioner be authorized to issue demolition permits in accordance with By-law 74-290 pursuant to Section 33 of the Planning Act, as amended for the following properties:
 - (a) 10 Limeridge Road West
 - (b) 1321 Upper Wellington Street
 - (c) 1329 Upper Wellington Street
12. (a) (i) That a secured loan in the amount of twenty-five thousand dollars (\$25,000) to Hung Quoc Vu and Luong Cam carrying on business as Phoenix Photo for improvements to 349 Barton Street East be approved subject to the fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 2.875 per cent, amortized over 10 years; and,
 - (ii) That a grant from the Barton Street Revitalization Fund in the amount of twelve thousand, five hundred dollars (\$12,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program; and,

- (b) (i) That an unsecured loan from the Barton Street Revitalization Fund in the amount of five thousand dollars (\$5,000) to Hung Quoc Vu and Luong Cam carrying on business as Phoenix Photo for exterior storefront improvements to 349 Barton Street East be approved, subject to the fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 2.875 per cent, amortized over 10 years; and,
 - (ii) That a grant from the Barton Street Revitalization Fund in the amount of two thousand and five hundred dollars (\$2,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program.
- 13. (a) That the request by Valery Construction Limited, to extend draft plan approval for "Ridgeview Estates - Phase III" subdivision under Regional File No. 25T-76046 for a further three (3) year period to August 1, 1999, be approved; and,
- (b) That the City Clerk be directed to advise the Regional Commissioner of Planning and Development of Council's decision.
- 14. (a) That the report of the Conservation Review Board dated 1996 May 9 recommending the designation of the former St. George's Anglican Church and Sunday School at 137 Strathcona Avenue North/10 Tom Street, be adopted and that the Church property as outlined in the Reasons for Designation attached hereto and marked as Appendix "G" be designated pursuant to the provisions of the Ontario Heritage Act, R.S.O. 1990; and,
- (b) That the By-law attached hereto and marked as Appendix "H" designating the property at 137 Strathcona Avenue North/10 Tom Street be adopted.
- 15. That the Chief Administrative Officer be requested to convene a meeting with representatives from the Fire Department, Hamilton-Wentworth Regional Police Department, Planning and Development Department and the Building Department, to determine what courses of action can be taken by the City in securing the Lister Block located at 28-44 James Street North/5-21 King William Street, in light of three recent fires at the building.
- 16. That the following Bills be adopted, signed, sealed and enrolled as By-laws:
 - (a) C-45 A By-law to Amend By-law Nos. 84-252, 93-243, 87-55 and 93-167 to Reduce Various Fee By-laws for the Downtown Area.

- (b) C-46 A By-law to Repeal By-law No. 87-108 Respecting Land Located at Municipal No. 2774 King Street East.
- (c) C-47 A By-law to Designate the Property Known as St. George's Anglican Church and Sunday School Land Located at Municipal No. 137 Strathcona Avenue North (10 Tom Street).
- (d) C-48 A By-law to Amend Zoning By-law No. 6593 Respecting Land Located at Municipal No. 1232 Upper Gage Avenue.
- (e) C-49 A By-law to Repeal By-law No. 94-129 to Adopt Official Plan Amendment No. 127 Respecting Lands Located on the West Side of Walnut Street, North of Forest Avenue, and Known Municipally as No. 180 Walnut Street Within the Corktown Neighbourhood.
- (f) C-50 A By-law to Adopt Official Plan Amendment No. 135 Respecting Lands Bounded by Scenic Drive, Mohawk Road West, Magnolia Drive, Rice Avenue and Sanatorium Road within the Mountview Neighbourhood.
- (g) C-51 A By-law to Amend Zoning By-law No. 6593 Respecting Lands Bounded by Rice Avenue, Mohawk Road West, Magnolia Drive and Scenic Drive.
- (h) C-52 A By-law to Establish Site Plan Control Respecting Lands Bounded by Rice Avenue, Mohawk Road West, Magnolia Drive and Scenic Drive.
- (i) C-53 A By-law to Amend Zoning By-law No. 6593 Respecting Lands Located on the North Side of Barton Street East, East of Municipal No. 244 Lake Avenue North.

17. DELETED.

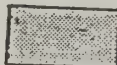
Respectfully submitted,

**ALDERMAN D. DRURY, CHAIRPERSON
PLANNING AND DEVELOPMENT
COMMITTEE**

**Tina Agnello, Secretary
1996 September 18**



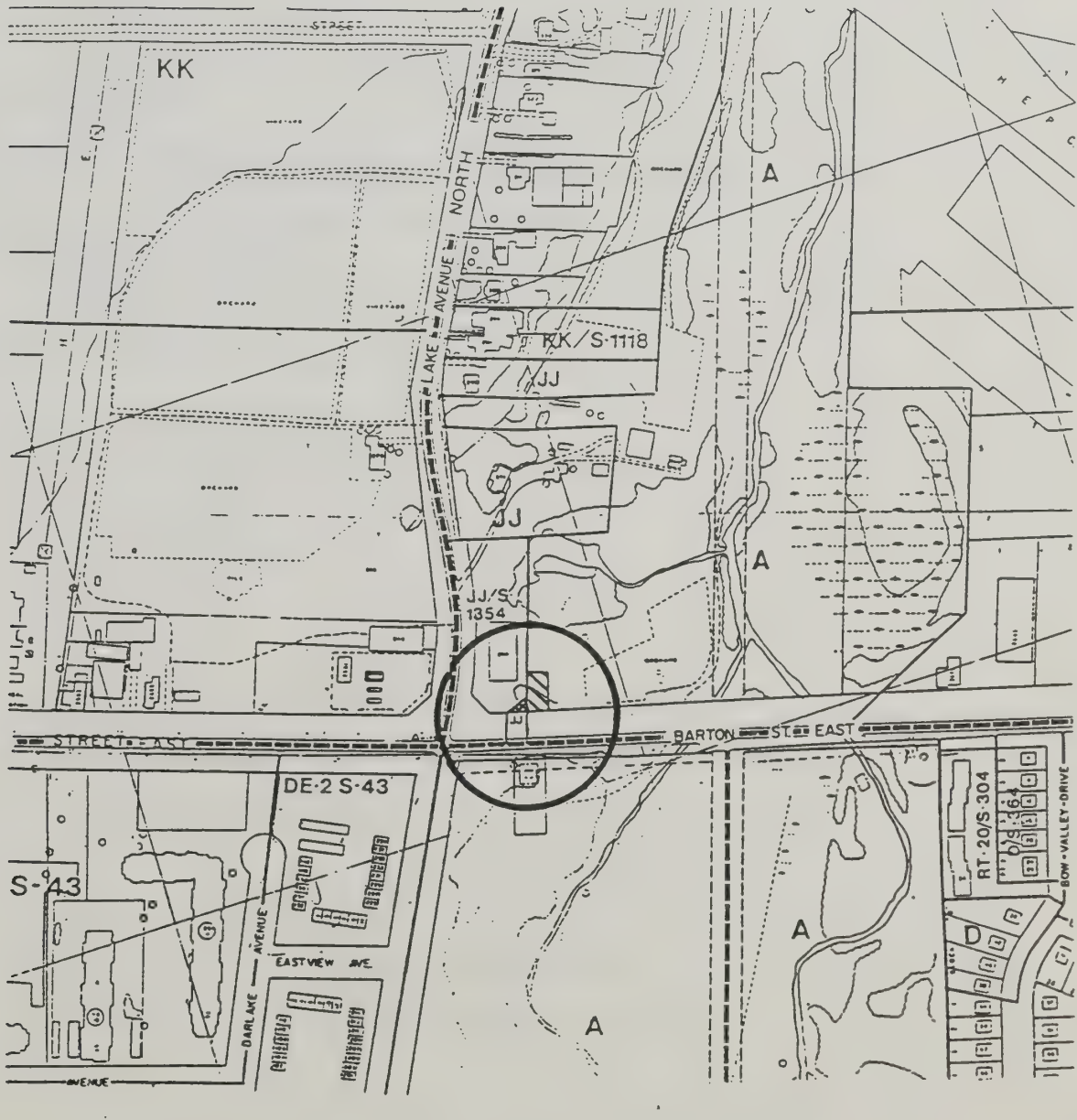
BLOCK 1



BLOCK 2



From "AA" (Agricultural) District to "R-4" - "H" (Small Lot Single-Family Detached - Holding) District;



Legend

Proposed Modification to the established:

- | | | |
|---------|---|--|
| BLOCK 1 |  | A* (Conservation, Open Space, Park and Recreation) District. |
| BLOCK 2 |  | "JJ" (Restricted Light Industrial) District. |



**THE FALKIRK WEST NEIGHBOURHOOD
POLICIES AND PLAN**

Prepared by:

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September 1996



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1.0 INTRODUCTION

The Falkirk West Neighbourhood is located in the south west area of the City of Hamilton. An overall neighbourhood plan was first prepared for this neighbourhood in 1970 and approved by Council in 1971. The approved Falkirk West Neighbourhood Plan however, only established a land use and road pattern for the northerly section of the neighbourhood and the southerly portion remained unplanned due to environmental and servicing concerns.

In 1992, a review of the southerly portion of the neighbourhood was initiated by the land owners and this included a detailed environmental analysis together with a comprehensive stormwater management plan.

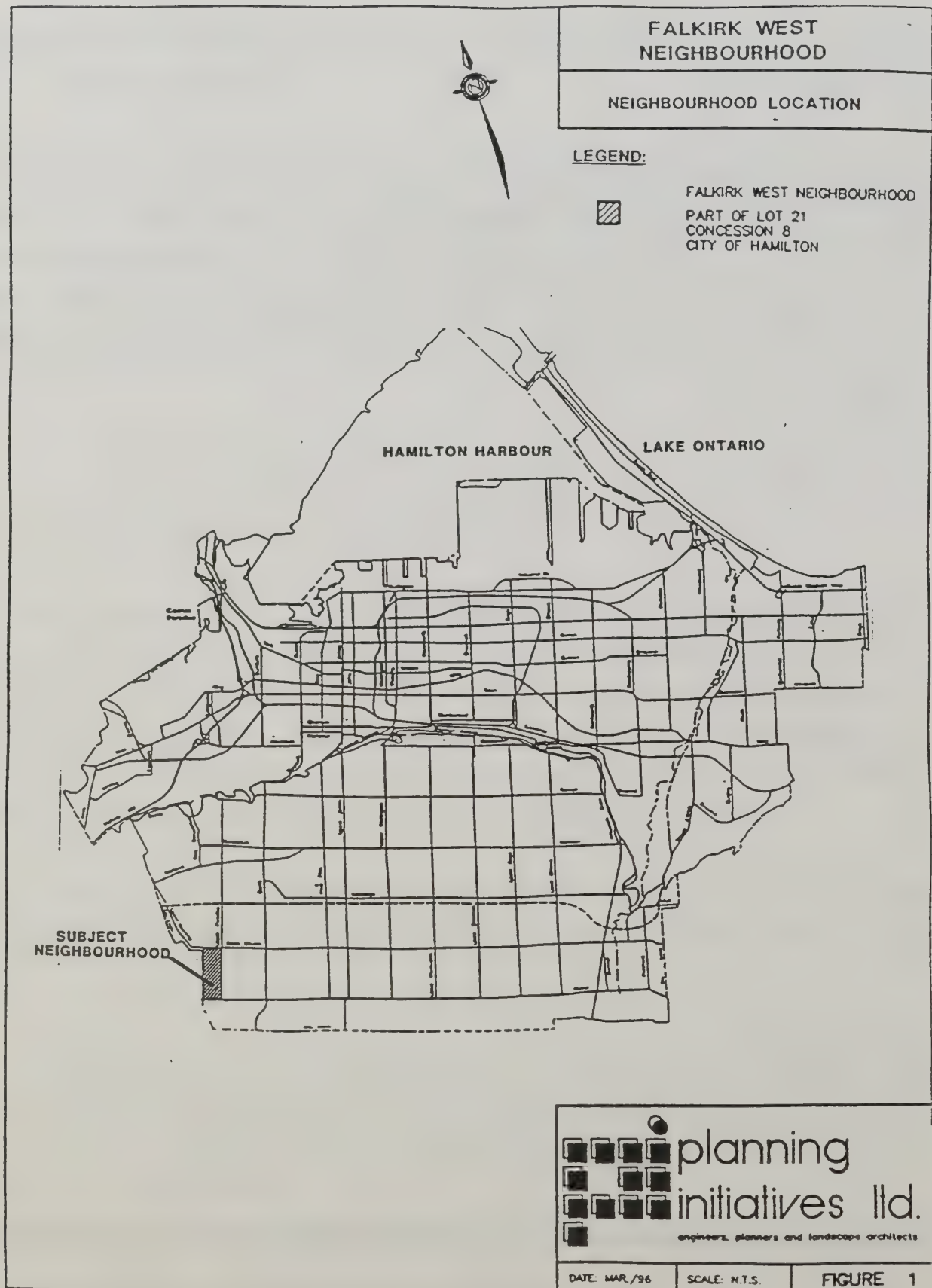
Since the initiation of the Falkirk West Neighbourhood Plan review in 1992, there have also been major changes regarding the form of development, housing needs and demographics throughout the City of Hamilton and in particular, the south-western area of Hamilton. The purpose of this study is to investigate the current planning status of the Falkirk West Neighbourhood and to create a guide for future development within the neighbourhood through both detailed policies and a land use schedule.

The evaluation and study will allow for a better determination of the proposed development which will permit efficient and effective urban land use within the studied area.

The Falkirk West Neighbourhood Plan is a guide to assist future development of the neighbourhood and is an extension and elaboration of policies which exist in the Hamilton and Region of Hamilton-Wentworth Official Plan, and in the Ontario Government's Provincial Policy Statement.

2.0 LOCATION

The subject neighbourhood is located in the south-westerly area of the City of Hamilton and it contains approximately 41.4 hectares/102 acres. The neighbourhood boundaries are Rymal Road to the south, Stone Church Road to the north, Upper Paradise Road to the east and the limits of the City of Hamilton on the west. These lands are legally described as Part of Lot 21, Concession 8. The location of the neighbourhood is shown on Figure 1.



3.0 EXISTING LAND USE

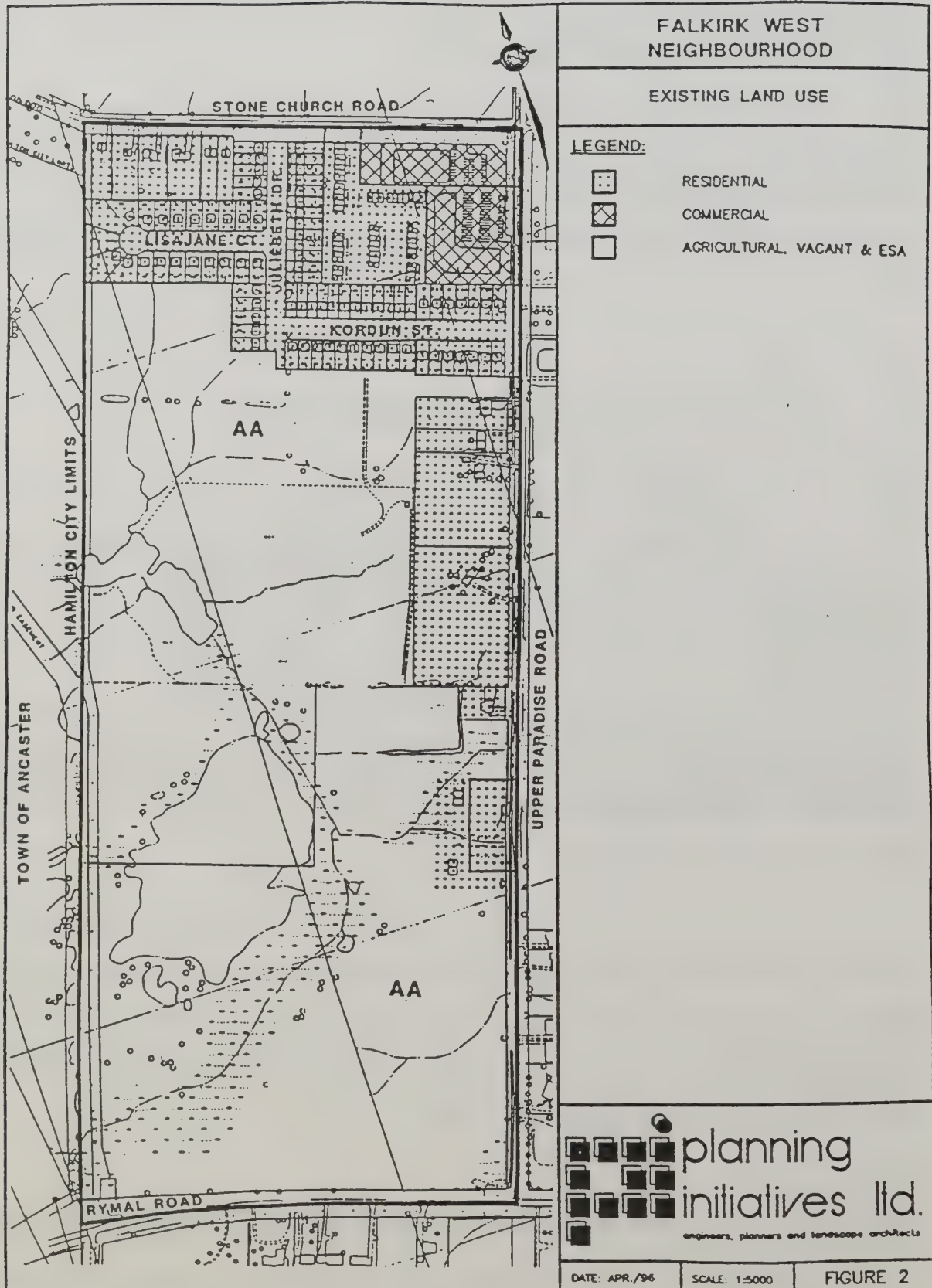
The Falkirk West Neighbourhood is presently developed with three general land uses. Figure 2 delineates the existing land use in the Falkirk West Neighbourhood while Table 1 outlines the representative land areas and the percentile of each component.

TABLE 1 - EXISTING LAND USE

LAND USE	AREA		PERCENTAGE
	(ha)	(acres)	
Residential	7.4	18.2	17.8%
Commercial	1.8	4.4	4.3%
Agricultural/Vacant and Open Space	32.2	79.6	77.7%
TOTAL	41.4	102.2	100.0%

Source: City of Hamilton Planning Department and Land Use Analysis

The neighbourhood is primarily vacant with development existing in the most northerly section. This area has been developed with a mixture of commercial, medium density and single family residential land uses. No significant land use changes have occurred south of the development area since 1988.



3.1 Existing Population

The current population of the Falkirk West Neighbourhood is estimated as being approximately 430 persons. As mentioned previously, the population of the neighbourhood is concentrated in the northern portion with some limited development along the west side of Upper Paradise Road. Overall, an increase in population is not expected to occur until full municipal services are extended into the interior of the neighbourhood and development occurs.

**TABLE 2
POPULATION BY AGE IN 1991
FALKIRK WEST NEIGHBOURHOOD**

AGE GROUP	MALE	FEMALE	TOTAL M & F	% OF TOTAL
0 - 4	22	20	42	9.8
5 - 13	35	39	74	17.2
14 - 18	25	16	41	9.5
19 - 25	14	24	38	8.8
26 - 40	67	79	146	34.0
41 - 64	42	35	77	17.9
OVER 64	3	9	12	2.8
TOTALS	208	222	430	100.0

Source - City of Hamilton Planning Department

3.2 Topography and Physical Features

The Falkirk West Neighbourhood contains gently rolling topography with 5 - 10% slopes throughout. A wetlands area which is part of the Tiffany Creek Environmentally Sensitive Area (ESA) is located in the southwest quadrant of the neighbourhood.

The neighbourhood is divided into three drainage areas. The area of the existing development at the northern end of the neighbourhood drains northerly. The central portion of the neighbourhood, the largest portion of the neighbourhood, drains to the west into the Town of Ancaster by the Tiffany Creek. The third and smallest drainage area is the south-east portion of the neighbourhood which drains into the Twenty Mile Creek drainage system. The Tiffany Creek enters the Falkirk West Neighbourhood from the Town of Ancaster at the extreme south-west corner of the neighbourhood.

The Ministry of Natural Resources has mapped and classified the Tiffany Creek Wetland complex as a "Provincially Significant Wetland". The Tiffany Creek Wetland occupies approximately 35 hectares in total. Of the 8.8 hectare ESA within the Falkirk West Neighbourhood, approximately 4 hectares constitutes part of the Tiffany Creek Wetlands.

Various different vegetative communities are found within the undeveloped portion of the Falkirk West Neighbourhood. These include active agricultural fields, hedgerows, upland deciduous woodlot and wetland areas. A detailed Environmental Study has been prepared which outlines in detail the various vegetative communities (see Falkirk West Wetland Environmental Impact Study, July, 1995).

There are three main soil types within the Falkirk West Neighbourhood. The dominant soil types in the area north of Tiffany Creek are well drained, sandy loam soils of the

Grimsby Group. The soils of the valley system are predominantly the variable drained, silt-loam soils of the Alberton Group. The soils in these areas south and west of the Tiffany Creek drainage area are well drained, silty loam soils of the Brant Group.

3.3 Heritage Resources

The Falkirk West Neighbourhood does not contain any buildings or structures which are listed upon the City of Hamilton's Local Architectural Conservation Advisory Committee (LACAC) inventory of historical or architecturally significant sites. The City of Hamilton Heritage Planning Section has confirmed that there are no heritage buildings within the neighbourhood. The Heritage Branch of the Ontario Ministry of Culture and Communications undertook an archaeological assessment of the Falkirk West Neighbourhood Plan in 1985. The study focused on the south-east corner of the neighbourhood where one registered archaeological site was identified. The identified site appears to be a small prehistoric campsite and several isolated find spots are identified. As land development occurs throughout the undeveloped portions of the neighbourhood, site specific archaeological investigations may be required.

3.4 Environmental Considerations

As mentioned previous (Section 3.2), a large wetland complex is located in the southwest quadrant of this neighbourhood. These lands are a Provincially Significant Wetland and are also designated as an Environmentally Sensitive Area (ESA) by both the City and Regional Official Plans. In accordance with the environmental policies of these Plans, a detailed Environmental Impact Study (EIS) - The Falkirk West Wetland Environmental Impact Study has been completed as part of the background studies necessary to complete this neighbourhood plan.

This EIS included a detailed mapping of the wetland boundary and an inspection of existing flora and fauna. Soils and groundwater analysis together with a comprehensive stormwater management review were also completed.

The EIS established the boundary of the wetland complex together with an appropriate buffer zone. The EIS also contained specific development policies which would protect the integrity of this wetland complex.

4.0 INFRASTRUCTURE/SERVICES

Since the 1971 approval and designation of the norther portion of the Falkirk West Neighbourhood, there have been significant changes that have occurred to the servicing infrastructure. The following has been reviewed and agreed with the various departments of the Regional Municipality of Hamilton-Wentworth and the City of Hamilton.

4.1 Water Supply and Distribution

The trunk watermain for servicing the Falkirk West Neighbourhood are in place along Stone Church Road, Upper Paradise Road and Rymal Road West.

The existing development in the northern portions of the Falkirk West Neighbourhood is serviced with a local network which was extended at the time when development took place in the mid to late 1980's. Services are available to provide full municipal water for future development within the entire Falkirk West Neighbourhood from an existing 300mm watermain located on Upper Paradise Road. No water supply or distribution problems have been identified to service the undeveloped lands.

4.2 Sanitary Sewers

The existing development in the northern portion of the Falkirk West Neighbourhood is served by a gravity flow sanitary sewer system which drains to the north into the existing sewers located within the Chedoke Creek area. These facilities extend south of Stone Church Road on Upper Paradise Road for a distance of 245m to the intersection of Skyview Drive.

In 1991, a new sanitary trunk sewer was installed on Upper Paradise Road extending from St. Elizabeth Village located at Rymal Road West and Garth Street westerly along Rymal Road West and northerly along Upper Paradise Road. The trunk provides sanitary services to the new St. Thomas More High School and is capable of servicing the undeveloped portion of the Falkirk West Neighbourhood.

The sanitary trunk flows in the same southeasterly direction as the Twenty Mile Creek to a pumping station at Highway 6 and Trinity Road in Glanbrook. From this point, the sewage is delivered to the Regional sewage treatment system. The present sanitary trunk facilities are capable of servicing the undeveloped portion of the Falkirk West Neighbourhood.

4.3 Storm Drainage

The storm drainage for the undeveloped portion of the Falkirk West Neighbourhood is directed towards two watersheds. The south-east section of the Falkirk West Neighbourhood drains to the south-east to the Twenty Mile Creek. The Twenty Mile Creek falls within the jurisdiction of the Niagara Peninsula Conservation Authority. The remaining lands in the neighbourhood drain west into the Tiffany Creek which is within the jurisdiction of the Hamilton Regional Conservation Authority.

The existing development in the northern portion of the Falkirk West Neighbourhood drains into a storm sewer facility which drains to the north and to the Chedoke Creek area. In 1991, a storm sewer was installed on the southern portion of Upper Paradise Road which outlets to the drainage system of the Twenty Mile Creek.

A detailed Stormwater Management Study has been prepared for this neighbourhood in concert with the Falkirk West Wetland Environmental Impact Study (Ecologistics Limited, 1995). This study outlined the different sub-drainage areas within the neighbourhood together with a comprehensive stormwater management strategy. Each individual land development application will be required to complete and implement a site specific Stormwater Management Plan in accordance with the overall comprehensive strategy.

4.4 Roads and Traffic

The Falkirk West Neighbourhood is encompassed by three arterial roads so designated by the City of Hamilton Official Plan. The northern limit of the neighbourhood is Stone Church Road West while the eastern limit is Upper Paradise Road. Rymal Road West forms the southern boundary of the neighbourhood. The primary function of the arterial road network is to carry relatively high volumes of long distance traffic within, between and through the area municipalities of Hamilton-Wentworth.

The existing right-of-way width for both Upper Paradise Road and Stone Church Road is 20m, although the ultimate right-of-way is 30m. Rymal Road West has an existing right-of-way of 26m with a deemed right-of-way width being 36m. Accordingly, these roads will be widened as flankage development occurs.

Since the majority of the neighbourhood is undeveloped, there are no interior local or collector roads. The existing roads in the northern section of the neighbourhood are designed as local roads and are under the jurisdiction of the City of Hamilton.

A speed limit of 60 Km per hour is in effect for Rymal Road West with Stone Church Road and Upper Paradise Road having a speed limit of 50 Km per hour.

The most recent (1995), City of Hamilton Traffic Department AM and PM peak traffic count for the intersections of Upper Paradise and Stone Church Roads and Upper Paradise Road and Rymal Road West are shown on Figure 3. Both the intersections of Rymal Road/Stone Church Road and Upper Paradise Road are controlled with traffic signals.

4.5 Road Access

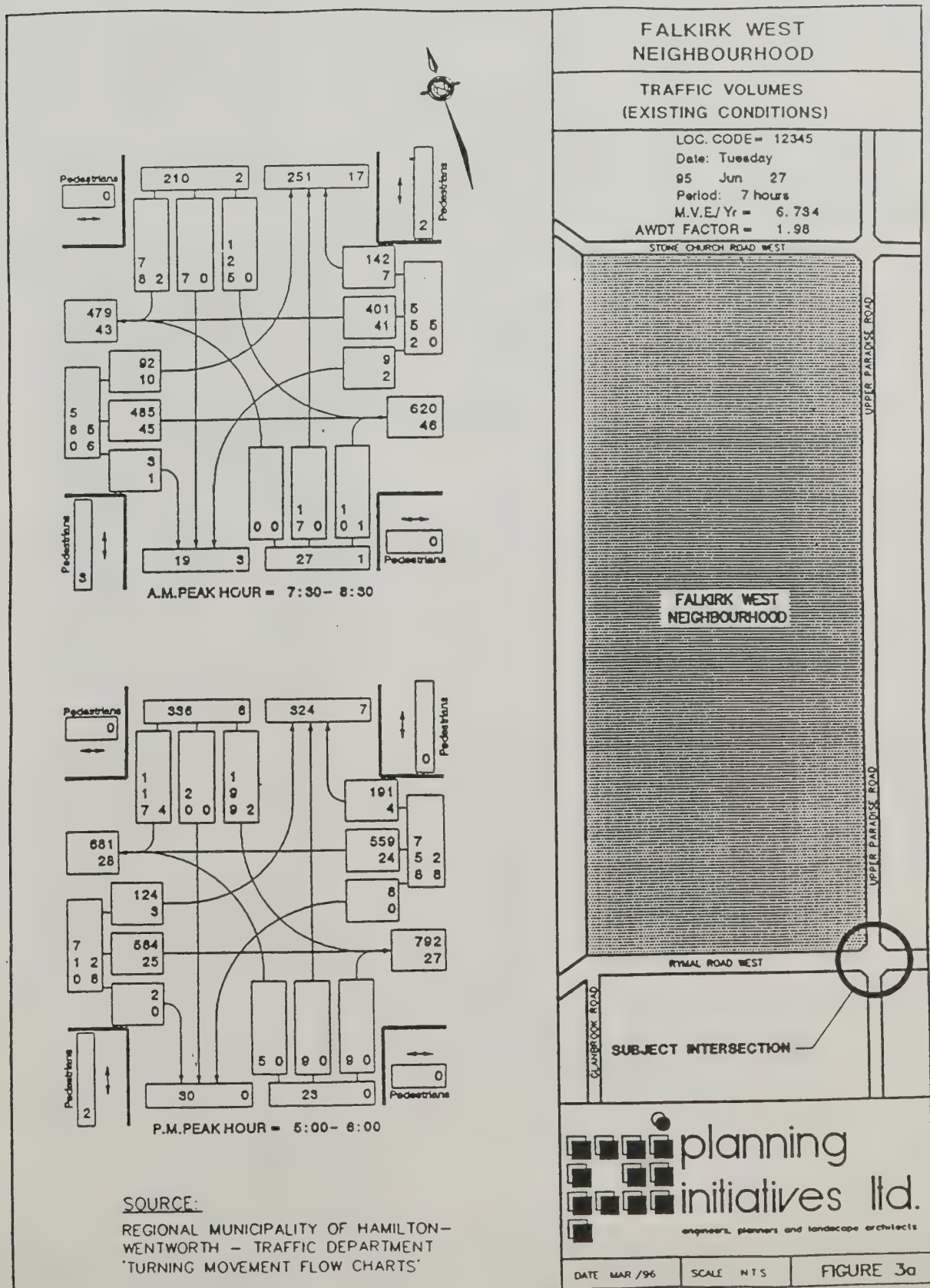
An effective and efficient road pattern will be required to develop the interior of the neighbourhood. Special attention will be necessary to ensure that new access points onto Upper Paradise Road will not impede the traffic carrying function of this road. New direct access should not be established onto Rymal Road.

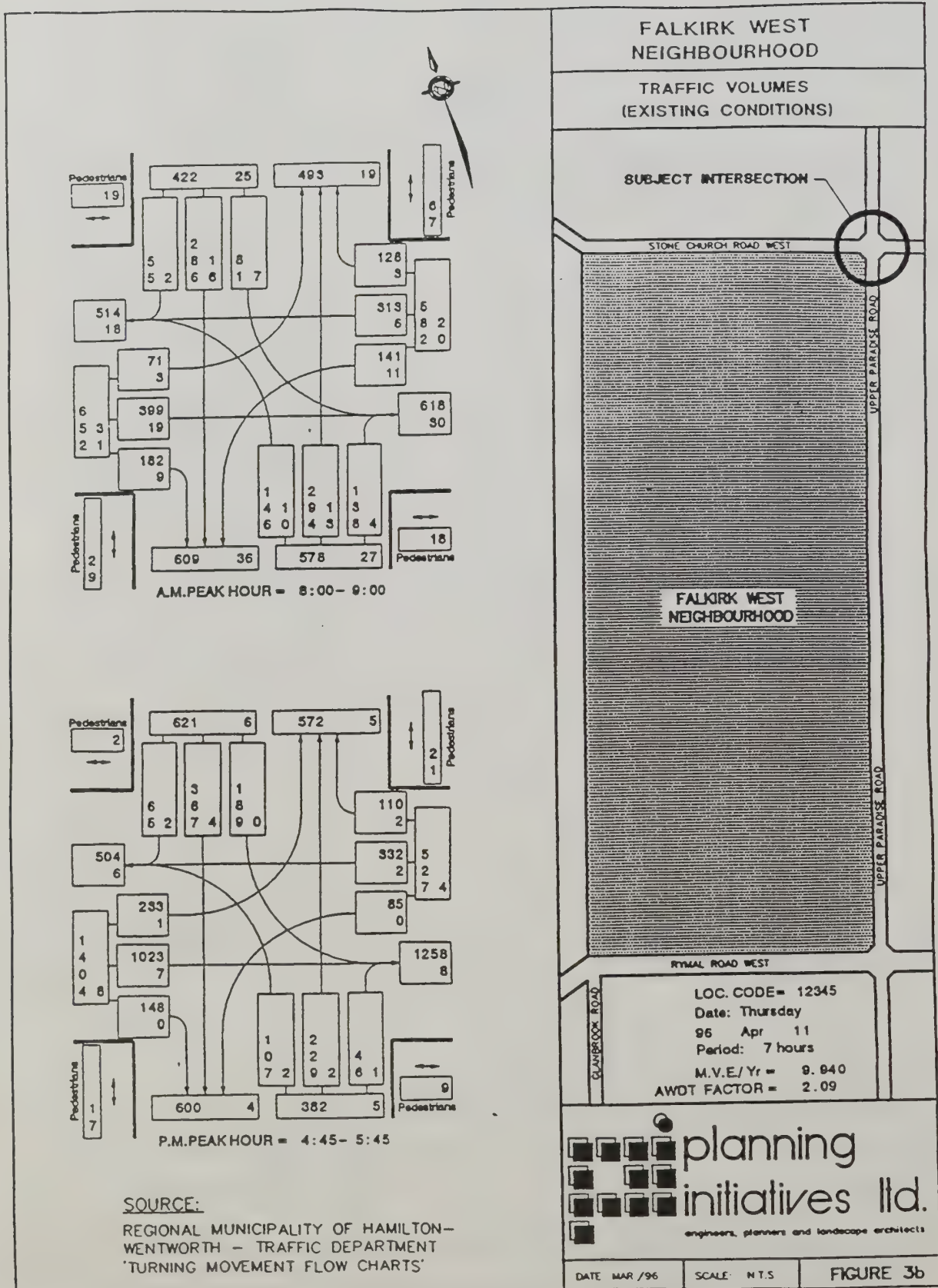
Unlike other arterial roadways in Hamilton, front lotting or direct access of single-detached dwellings to Upper Paradise Road will be promoted. This will create a more aesthetic streetscape for pedestrians and a more visually appealing vista than the fencing of rear yards. However, all access from lots fronting on Upper Paradise Road must conform with Regional and Municipal policies.

4.6 Public Transit

The Falkirk West Neighbourhood is presently provided with Hamilton Street Railway Company (HSR) service via Upper Paradise Road. Existing bus routes provide a direct link from the Falkirk West Neighbourhood to the Hamilton downtown core and other major community facilities.

HSR staff have indicated that the ultimate neighbourhood design should ensure that future residents be located within 400m of available transit. This can be accommodated through the placement of local streets and the provision of walkways as necessary.





4.7 Schools

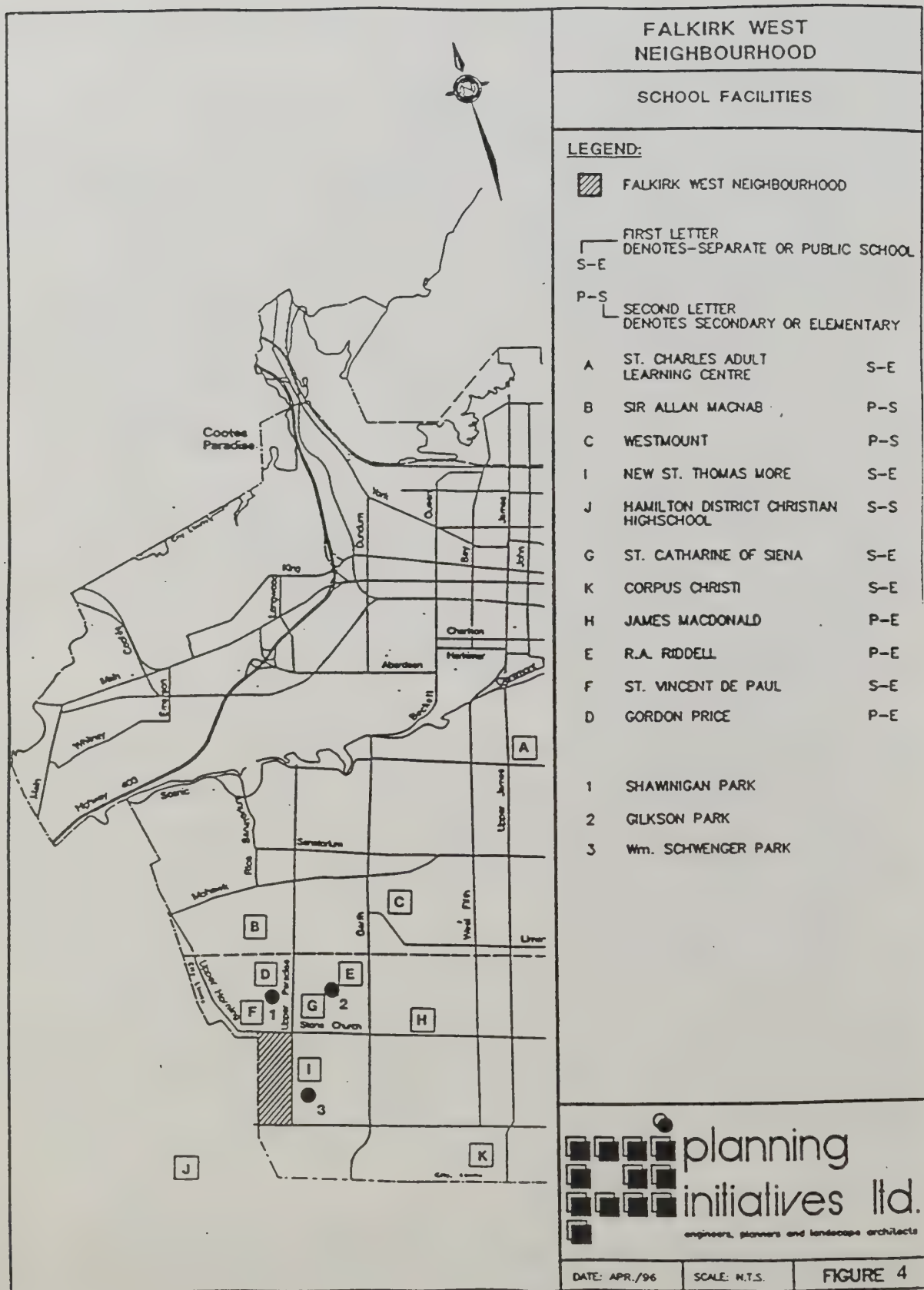
The Hamilton Public School Board owns a 2.4 hectare parcel of land for a future educational facility within the Falkirk West Neighbourhood. These lands, owned by the Public Board, are located almost entirely within the Tiffany Creek Environmentally Sensitive Area and their development for school purposes is severely limited if not impossible. The Hamilton Roman Catholic Separate School Board does not own any lands within the Falkirk West Neighbourhood. Both School Boards have indicated that a school site is not required within the Neighbourhood and that both elementary and secondary school needs can be accommodated in existing neighbourhoods.

The closest elementary separate schools are the following; St. Vincent de Paul - Gurnett Neighbourhood; St. Catharine of Sienna - Gilkson Neighbourhood; and Regina Mundi - Gilbert Neighbourhood. Public elementary schools are; Gordon Prince - Gurnett Neighbourhood; and R.A. Ridley - Gilkson Neighbourhood.

The separate secondary school serving this neighbourhood is St. Thomas More High School and it is located immediately adjacent to the Falkirk West Neighbourhood on the east side of Upper Paradise Road. Secondary public students may attend Sir Allan MacNab on Magnolia Drive south of Mohawk Road West (please refer to Figure 4).

4.8 Fire Protection / Police Services

The Falkirk West Neighbourhood has full protection services available and subsequent evaluation of both services will be further analyzed as the population growth occurs within the neighbourhood.



The Hamilton-Wentworth Regional Police serves this area from the Mountain Headquarters on Upper Wellington Street.

The Hamilton Fire Department serves this area from the Number 3 Fire Station at the intersection of Garth Street and Mohawk Road West. There are existing watermains and hydrants on all perimeter arterial roads and the interior local streets within the neighbourhood will be developed and provided with adequate pressure for fire protection services.

4.9 Garbage Services

The Hamilton Public Works Department has stated that the existing development in the Falkirk West Neighbourhood is serviced by curbside garbage pickup. A further extension of collection service will occur as the number of households increase throughout the development area.

4.10 Library Services

The Terryberry Library located at the corner of Mohawk Road West and West 5th Street services the west mountain area and will provide library services to the Falkirk West Neighbourhood (please refer to Figure 5).

4.11 Culture and Recreation

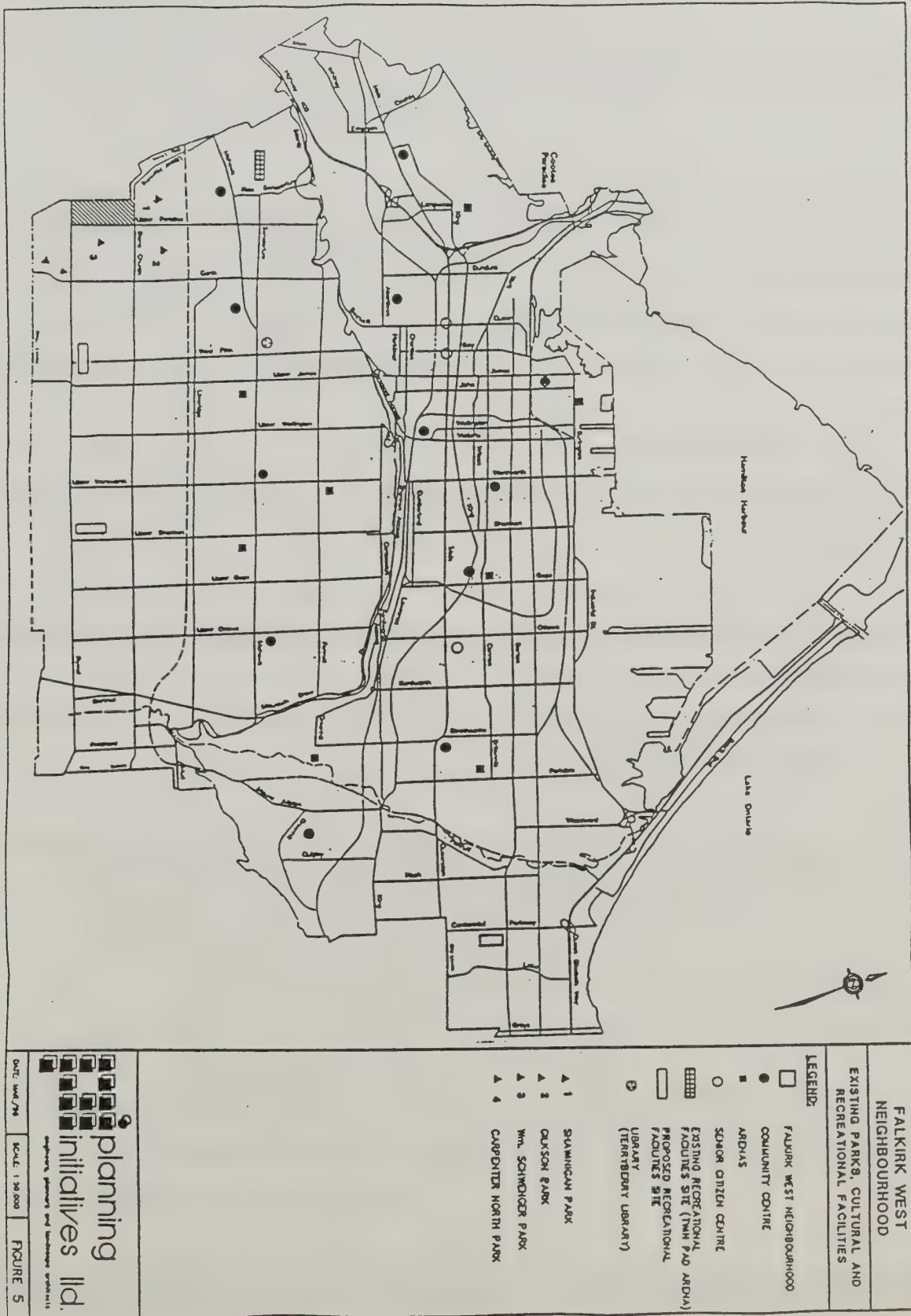
In order to guide the development of major cultural and recreational facilities, the City of Hamilton completed and adopted a report entitled "Vision 2000". No major facilities are proposed within the Falkirk West Neighbourhood. Many facilities have been established or are proposed within adjacent neighbourhoods and they are shown on Figure 5.

4.12 Parks and Open Space

There are currently no neighbourhood parks or public open space lands within the Falkirk West Neighbourhood. This neighbourhood does contain a large Environmentally Sensitive Area which will be designated for Open Space purposes and which may be utilized for passive recreational purposes with trails and walkways should it become publicly owned.

Active park needs are currently provided in the Falkirk East Neighbourhood which is conveniently located on the east side of Upper Paradise Road immediately opposite and central to the Falkirk West Neighbourhood. This abutting neighbourhood contains a developing community level 10.8 hectare park named William Schwenger Park which when combined with the adjoining separate secondary school site provides sufficient active park areas.

Figure 5 delineates the location of neighbouring parks.



5.0 PLANNING DOCUMENTATION

5.1 Provincial Policy Statement

In May 1996, a revised Provincial Policy Statement (PPS) was issued. The Planning Act requires that, in exercising any authority that affects planning matters, planning authorities "shall have regard to" policies adopted under the Act. Therefore, the Falkirk West Neighbourhood Plan must "have regard to" the relevant policies of the Provincial Policy Statement.

There are several policies detailed in the PPS which are applicable to the Falkirk West Neighbourhood:

1.1.1 Subject to the provisions of policy 1.1.2, cost-effective development patterns will be promoted. Accordingly,

a) Urban areas and rural settlement areas (cities, towns, villages and hamlets) will be the focus of growth.

The Falkirk West Neighbourhood is designated for development in the City of Hamilton Official Plan and the Region of Hamilton-Wentworth Official Plan.

1.1.2 Land requirements and land use patterns will be based on:

b) densities which:

1. efficiently use land, resources, infrastructure and public service facilities;

-
2. *avoid the need for unnecessary and/or uneconomical expansion of infrastructure;*
 3. *support the use of public transit, in areas where it exists or is to be developed;*
 4. *are appropriate to the type of sewage and water systems which are planned or available.*

All infrastructure, schooling and public transit services are available and within immediate access. The Falkirk West Neighbourhood will be planned to use land efficiently and will be serviced with full municipal sewage and water services. These lands are designated for urban purposes and therefore, represents a logical extension of existing development patterns. Development will also have a mix of uses and densities that efficiently use the land, the infrastructure and existing public services. As mentioned in Section 4.0 of this report, transit is currently available on neighbouring streets and therefore, the additional population will increase the economic viability of this existing service.

1.2.1 Provision will be made in all planning jurisdictions for a full range of housing types and densities to meet projected demographic and market requirements of current and future residents of the housing market area by:

- c) *encouraging housing forms and densities designed to be affordable to moderate and lower income households;*

A variety of dwelling forms will be made available in the Falkirk West Neighbourhood; no one dwelling type will predominate.

2.3.1 Natural heritage features and areas will be protected from incompatible development.

- a) Development and site alteration will not be permitted in:*
- significant wetlands south and east of the Canadian Shield.*

2.3.2 Development and site alteration may be permitted on adjacent lands to a) and b) if it has been demonstrated that there will be no negative impacts on the natural features or on the ecological functions for which the area is identified.

2.3.3 The diversity of natural features in an area, and the natural connections between them should be maintained, and improved where possible.

As mentioned in Section 3.4 of this report, a detailed Environmental Impact Study has been prepared as part of the background studies for the Falkirk West Neighbourhood Plan. Therefore, preparation of the neighbourhood plan has given regard to this Policy of the Provincial Policy Statement.

5.2 Region of Hamilton-Wentworth Official Plan

The Falkirk West Neighbourhood is located within the Urban Policy Area designation of the Regional Official Policy Plan. The Regional Plan therefore permits urban development and delegates the allocation of land uses to the area municipality. The Regional Plan also designates the Tiffany Creek wetland complex as an Environmentally Sensitive Area (ESA) and requires the completion of an Environmental Impact Statement (EIS) in order to define the limits of the ESA and to ensure that development will not have a detrimental impact upon this sensitive area. Such a study was completed and accepted by the Regional Municipality of Hamilton-Wentworth's Environmentally Significant Areas Impact Evaluation Group on December 13, 1995.

5.3 The City of Hamilton Official Plan

The predominant designation of the Official Plan for the City of Hamilton within the Falkirk West Neighbourhood is "Residential". Other designations include Commercial at the intersection of Stone Church Road and both "Open Space" and "Major Institutional" in the interior of the neighbourhood.

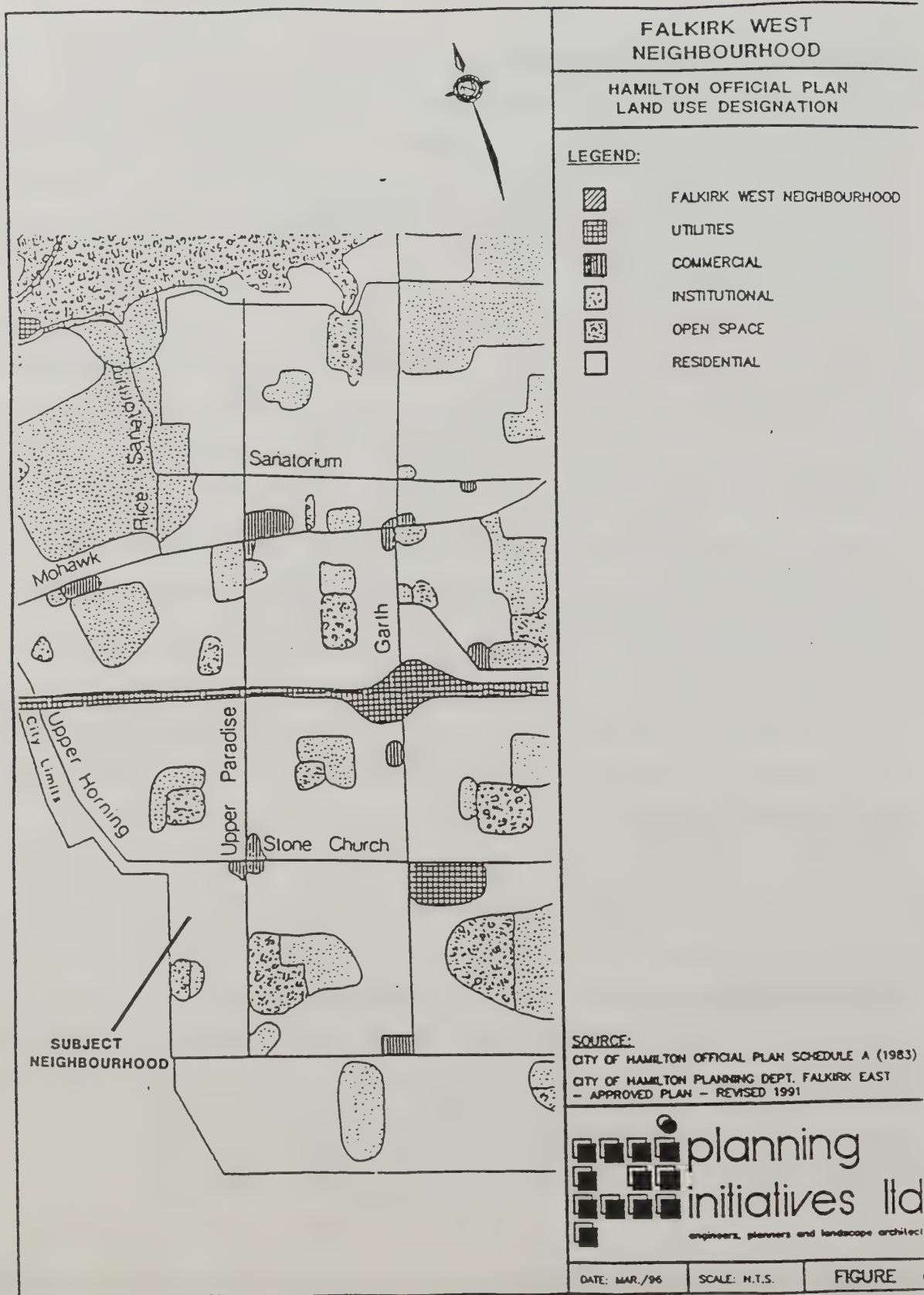
Figure 6 is a copy of a portion of the Land Use Schedule of the City of Hamilton Official Plan. The Tiffany Creek Wetland complex is also designated as an Environmentally Sensitive Area as outlined in "Schedule D" of the Official Plan.

The "Major Institutional" designation reflects the current ownership of a parcel of land by the Public School Board and as mentioned in Section 4.7 of this Plan the development of a school is unlikely due to environmental considerations.

An amendment to the Land Use Schedule of the Official Plan will be required in order to recognize the land use pattern and environmental features of this Neighbourhood Plan (please refer to Figure 6).

5.4 Comprehensive Zoning By-law and Site Plan Control

Zoning within the Falkirk West Neighbourhood is regulated by By-law 6593 which was passed by City Council on July 25, 1950. The majority of the study area is zoned AA which permits agricultural and residential use. As development applications are processed, amendments to the Zoning By-law will be required to implement the approved use pursuant to the provision and regulation of By-law 6593, as amended.



6.0 SUMMARY

- 1• All municipal and utility services are available and have adequate capacity to service the entire Falkirk West Neighbourhood for future development.
- 2• All current planning documents permit development within the Falkirk West Neighbourhood.
- 3• The Falkirk West Neighbourhood is a unique neighbourhood due to its relatively small size and its significant environmental features and assets. This neighbourhood also presents opportunities to capitalize on its environmental features by creating attractive streetscapes along the abutting arterial roads and vistas of the large natural area.
- 4• Environmental considerations such as the preservation of the Tiffany Creek Wetland are an important component of the planning of the Falkirk West Neighbourhood.

7.0 NEIGHBOURHOOD PLAN

Figure 7 is the Proposed Land Use Plan for the Falkirk West Neighbourhood. It identifies the general location of all existing land uses and roads together with the proposed land use schedule and the proposed road pattern. Table 3 outlines the land use allocations within the Falkirk West Neighbourhood.

The predominant land use category within the Neighbourhood Plan is the Open Space category. This recognizes the large Tiffany Creek wetland complex together with its associated buffer areas. Parkettes have been strategically located so as to create vistas or windows to the natural area and to provide convenient pedestrian access to the proposed trail system.

Low density residential land uses in the form of single and double dwellings are the second largest proposed land use category. An efficient road pattern has also been established to connect both the existing residential area with the proposed development areas.

Wherever possible, the Neighbourhood Plan proposes direct frontage development along Upper Paradise Road in order to create a more aesthetic and pedestrian friendly streetscape.

It is the intent of this Plan that the Tiffany Creek ESA and appropriate buffer area will become public through dedication or conveyances. This open space system will be enhanced with a series of parkettes adjacent to the Open Space area which will serve as a "window" to the natural areas and provide pedestrian access points.

The Falkirk West Neighbourhood Plan contains the land use planning designation - "Innovative Housing". The term Innovative Housing is used to describe housing developments that contain a mix of dwelling types on one parcel of land in a community-like setting. These developments typically respond to a unique segment of the housing marketplace, for example empty nesters, and are usually targeted to the ownership sector. The dwellings can include single-detached, semi-detached and row/townhouse units; apartment structures are not considered to be a component of Innovative Housing developments.

By allowing a variety and mixture of dwelling types on a specific parcel of land, there is market flexibility for the respective home builder and a unique and attractive "community" is created within the municipality. Innovative Housing parcels also contain private roads and laneways and also include active play areas. The Falkirk West Neighbourhood is an appropriate area for Innovative Housing developments in the City of Hamilton because of the attractive natural environment offered by the Tiffany Creek Wetland and related open space. The pictures on the following pages are examples of the dwellings that would be constructed in the areas designated Innovative Housing of the Falkirk West Neighbourhood Plan.

INNOVATIVE HOUSING DEVELOPMENT FEATURES



CORNER DWELLINGS WITH SPECIAL SIDE AND FRONT WINDOW ENHANCEMENTS
INCLUDING GATE ENTRANCE FEATURES





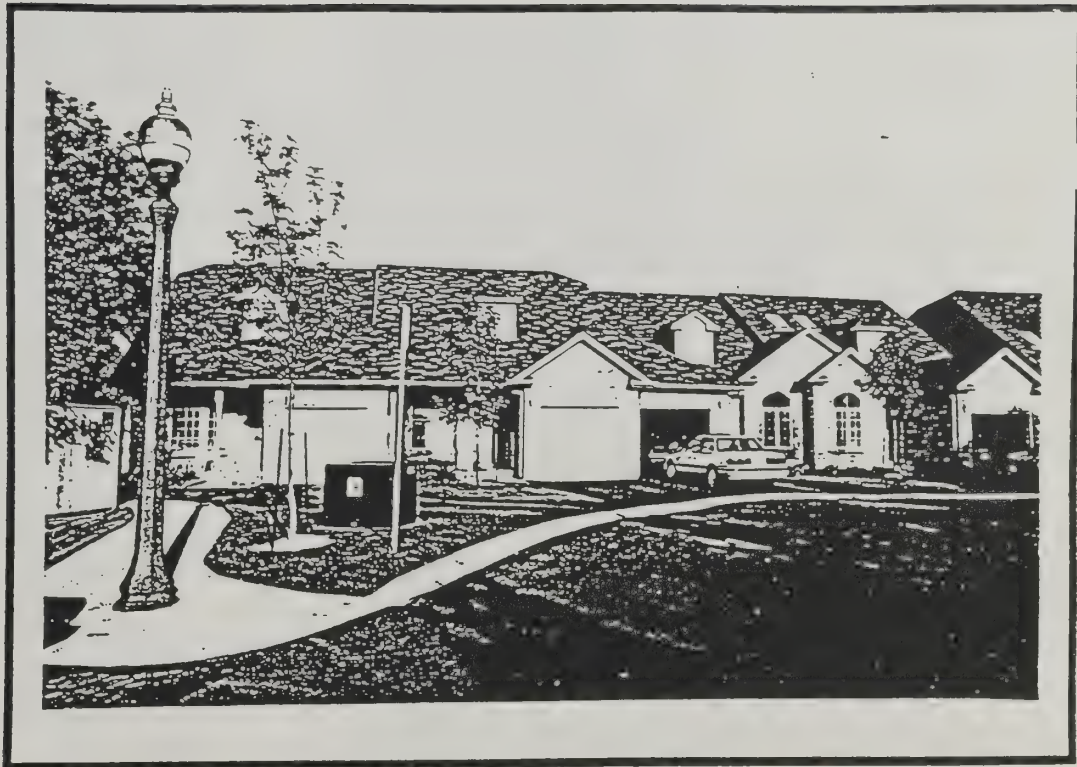
SINGLE FAMILY DWELLINGS ON PRIVATE MUNICIPAL SERVICES





SINGLE FAMILY AND SEMI-DETACHED BUNGALOW DWELLINGS
ON A PRIVATE CONDOMINIUM ROAD





FOUR UNIT CLUSTER BLOCKS WITH 1½ AND 2 STOREY DWELLINGS
INCLUDING SPECIAL LIGHTING AND LANDSCAPE FEATURES



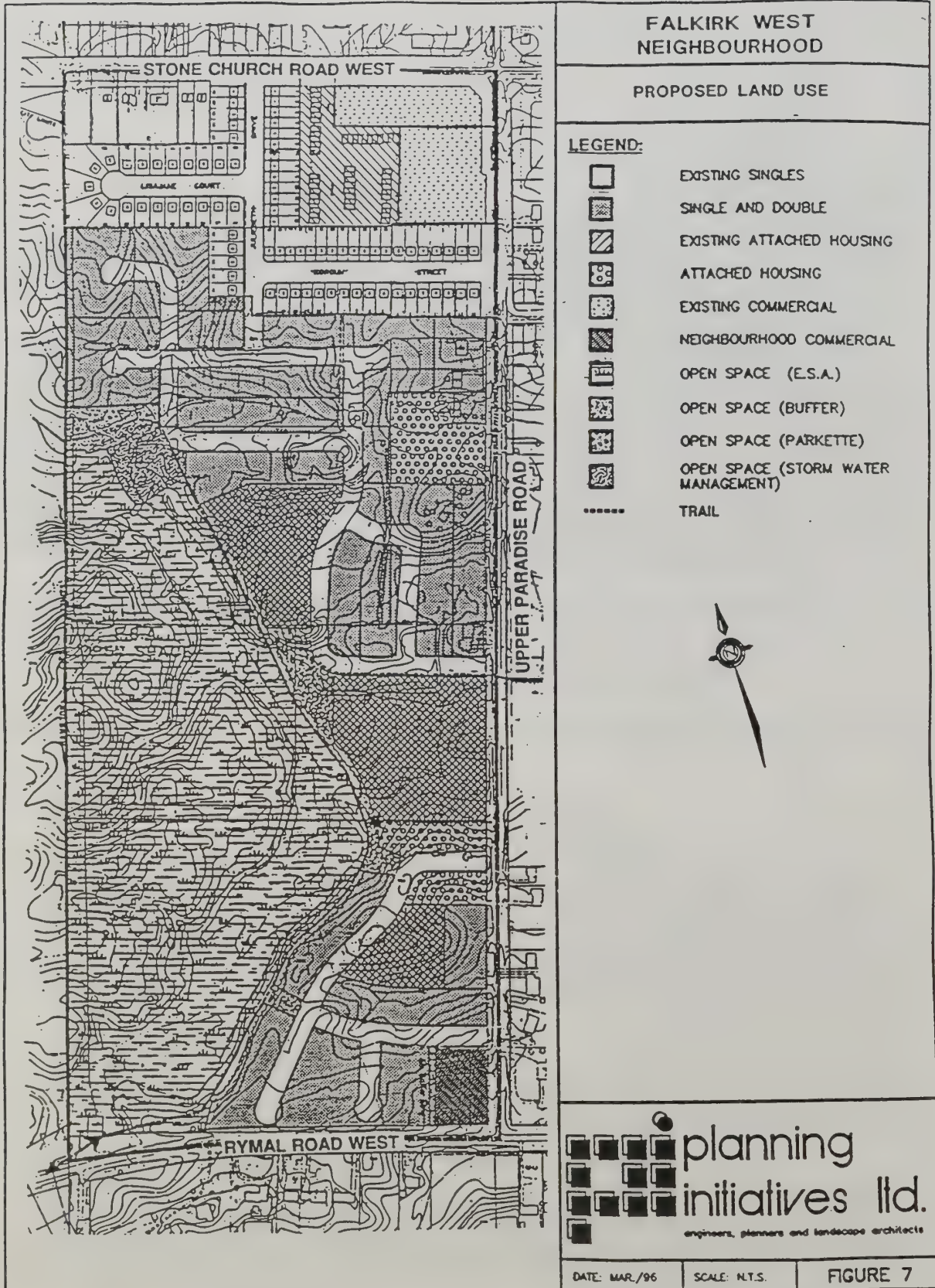


TABLE 3

LAND USE	AREA		PERCENTILE
	HECTARE	ACRE	
EXISTING SINGLES	6.27	15.5	15.2
PROPOSED SINGLE AND DOUBLE	14.77	36.5	35.6
EXISTING ATTACHED HOUSING	1.13	2.8	2.7
PROPOSED ATTACHED HOUSING	.809	2.0	2.0
PROPOSED INNOVATIVE HOUSING	4.014	9.92	9.6
EXISTING COMMERCIAL	1.78	4.4	4.2
PROPOSED COMMERCIAL	0.4	1.0	0.96
OPEN SPACE - ESA	8.8	21.74	21.4
OPEN SPACE - BUFFER	2.075	5.13	5.1
OPEN SPACE - PARKETTE	0.80	1.977	1.9
STORMWATER MANAGEMENT	0.575	1.421	1.4
TOTAL	41.40	102.3	100%

8.0 FALKIRK WEST NEIGHBOURHOOD PLAN AND POLICIES

Falkirk West Neighbourhood Plan and Policies

The Falkirk West Neighbourhood Plan is a guide to the future development within the area. The Plan is an extension and elaboration of policies which exist in the City of Hamilton Official Plan. The Neighbourhood Plan describes the City of Hamilton's goals, desires and broad parameters for all development occurring in Falkirk West.

The Plan includes:

1. A diagrammatic representation of the street pattern and land use locations.
2. A set of written policies ranging from the broad to the more specific.

The goals represent the broad overall aims for the neighbourhood plan. The objectives, are more specific focusing on the aims for each land use. The policies are the governing principles through which the objectives may be achieved. Finally, the actions refer to particular initiatives which the City and/or other agencies must undertake to implement the objectives and policies.

As has been noted previously, the Falkirk West Neighbourhood contains a unique environmental feature that is unparalleled on Hamilton's south Mountain - the Tiffany Creek Wetland and related Environmentally Sensitive Area. The wetland is a strong community asset to Falkirk West and provides a tangible added value to any development occurring in the Neighbourhood. Proposed development in Falkirk West must be of a high standard of design and overall aesthetics that reinforces the area as a unique and attractive neighbourhood in the City of Hamilton.

A. GOALS

There are 6 goals which this neighbourhood plan strives to achieve. They are as follows:

1. The plan will provide for a variety of housing types including single-detached, semi-detached, row/townhouse and street townhouse developments. Single-detached dwellings will be constructed on building lots of large widths,
2. Residential densities will be distributed rationally to ensure compatibility with the existing developed areas.
3. The plan will provide a convenient, safe and visually-pleasing living environment that will recognize, preserve and protect the natural features of the Tiffany Creek Wetland and Environmentally Sensitive Area.
4. The plan will promote energy conservation through the use of passive solar gain, public transit and pedestrian walkways.
5. The plan will promote "innovative housing" while ensuring these developments are of a high standard of design, aesthetics and amenity.
6. An attractive and aesthetically-pleasing streetscape is important for Upper Paradise Road. This will be achieved by permitting front lotting of homes onto the road as opposed to conventional rear lotting arrangements.

The above goals are interrelated and form the basis from which the objectives, policies and actions of this plan are derived.

B. OBJECTIVES, POLICIES AND ACTION

Objective 1 - Housing

The Falkirk West Neighbourhood will have a variety of housing types including single family dwellings, semi-detached dwellings, townhouses and street townhouses in addition to the existing townhouses and single family residential developments. The focus of all single-detached developments will be on larger lot widths that have typically been constructed in the City of Hamilton.

The Neighbourhood Plan shall follow the City of Hamilton Official Plan's pertinent policies and definitions for specific densities for various forms of residential development.

Policies

1. It will be the policy of this plan to recognize the existing residential development in the northern portion of the Falkirk West Neighbourhood.
 2. The lowest residential density (single and double) will be located adjacent to the existing single detached housing on Kordun Street, Juliebeth Drive and Lisajane Court.
 3. Low density residential consisting of single-detached and semi-detached housing shall not exceed 15 units per gross hectare (6 units per gross acre). The Townhouse block shall not exceed 40 units per gross hectare (16 units per gross acre). The Innovative Housing blocks shall contain a mix of attached and detached dwellings and will not exceed 30 units per gross hectare (12 units per gross acre). Street Townhouse Blocks shall have a density that will not exceed 30 units per gross hectare (12 units per gross acre).
-

Objective 2 - Neighbourhood Development Design Guidelines

Future development within the Falkirk West Neighbourhood must be of a high standard of design, aesthetics and amenity. This will reinforce and accentuate the visual attractiveness and value of the Tiffany Creek Environmentally Sensitive Area and ensure the Falkirk West Neighbourhood is recognized as a unique and desirable area in the City of Hamilton.

Policies

1. The following development design guidelines shall apply to the lands designated as Innovative Housing:
 - i) The maximum density shall not exceed 30 units per gross hectare (12 units per gross acre).
 - ii) A mix of dwelling types (detached, semi-detached and row/townhouse) shall be provided and not exclusively one dwelling type. No more than 6 units shall be attached in any one townhouse block.
 - iii) No building shall exceed a height of 2 1/2 storeys. In addition, any buildings adjacent to the ESA shall not exceed 1 1/2 storeys.
 - iv) For the blocks abutting the Tiffany Creek Environmentally Sensitive Area and buffer area, park and recreational areas shall be located adjacent to this area in order to enhance the total open space component.
 - v) The overall landscaping and design of sites shall be sympathetic to adjacent natural areas.
 - vi) Setbacks from the street should be minimized to maintain a street edge presence of the buildings.
 - vii) Corner units shall have windows on the three sides and be designed to face both streets.
-

-
- viii) Walkways shall be provided and integrated into the Neighbourhood trail system for those blocks located adjacent to the Tiffany Creek Environmentally Sensitive Area and buffer areas.
 - ix) The use of high quality architectural finishes will be required for all buildings, in particular structures visible from a public street or open space/parkland.
 - x) Garbage storage areas shall be screened and located away from public streets, open space/parkland and adjacent properties.
 - xi) A minimum 9.0m building setback from areas designated "Open Space - ESA".
2. The following development design guidelines shall apply to all other Residential developments in the Falkirk West Neighbourhood:
- i) No building shall exceed a height of 2 1/2 storeys.
 - ii) Lot widths for single-detached dwellings shall be in the range of 40 feet to 55 feet (12.2 metres to 16.8 metres).
 - iii) Street townhouses shall have a minimum frontage of 20 feet (6.1 metres).
 - iv) The overall landscaping and design of sites shall be sympathetic to adjacent natural areas.
 - v) Setbacks from the street should be minimized to maintain a street edge presence of the buildings.
 - vi) The use of high quality architectural finishes will be required for all dwellings.
-

-
- vii) Residential developments shall have a clear orientation or focus to the street to ensure an overall attractive streetscape and neighbourhood.

Objective 3 - Land Use Compatibility

All future residential development within the Falkirk West Neighbourhood shall be compatible with adjacent existing and committed development within the Falkirk West Neighbourhood and other surrounding neighbourhoods.

Policies

1. New development located adjacent to existing dwelling units will be similar in density and character.
2. The allowable density ranges within each residential designation will permit an appropriate density transition between existing and new areas of development.
3. All new Townhouse, Street Townhouse and Innovative Housing developments within the Falkirk West Neighbourhood will be subject to Site Plan Control and the Design Guidelines noted in Objective 2.

Actions

1. Rezoning, site plan approval, plans of subdivision/condominium will be utilized to ensure that new developments are compatible with existing developments.
 2. All proposed development immediately adjacent to existing single detached residential housing will be of the same form within the Falkirk West Neighbourhood.
-

Objective 4 - Variety of Housing Types

A mixture of residential housing units will be provided and encouraged. A variety of residential dwelling units and densities will be provided.

Policies

1. Encouragement will be given to providing a variety of housing types.

Actions

1. The City will encourage development proposals which offer a variety of housing types where appropriate.
2. The City will consider, through the implementation of planning documents such as Zoning By-laws, Plans of Subdivisions and Condominiums and Site Plan Agreements, development proposals which offer innovative or unique housing and provide a variety of housing types within the neighbourhood.
3. In accordance with various City and regional policies, the Falkirk West Neighbourhood Plan provides an opportunity to create a variety of housing forms.

Objective 5 - Commercial Facilities

Residents of the Falkirk West Neighbourhood will have access to a community shopping facility. Presently, a commercial plaza is located at the southwest corner of the intersection of Upper Paradise Road and Stone Church Road West.

A proposed convenience shopping centre is to be located at the northwest corner of the intersection of Upper Paradise Road and Rymal Road West.

Policies

1. It will be the policy of this plan to recognize the existing community shopping centre located at the southwest corner of the intersection of Upper Paradise Road and Stone Church Road West.
2. The convenience/commercial development proposed for the northwest corner of the intersection of Upper Paradise Road and Rymal Road West will not exceed 0.4 ha or 1.0 acre in area.
3. The commercial uses permitted by the convenience/commercial designation will be limited to those uses that primarily serve the daily needs of the surrounding residents.
4. The development of the convenience/commercial area will be designed to mitigate any negative impact on the abutting residential areas and a 6.0m wide landscaped buffer shall be provided between the proposed residential and commercial land uses.
5. Vehicular access to the proposed convenience/commercial development will only be permitted through the proposed east-west street fronting on the northerly side of the commercial block.

Actions

1. The City will encourage and support improved pedestrian access along the west side of Upper Paradise Road for the convenience of residents walking to the shopping facilities in the Falkirk West Neighbourhood.
2. The City, through the appropriate Zoning designation, will restrict the establishment of commercial uses in the convenience/commercial area to ensure that these uses are compatible with existing and proposed surrounding residential uses.

-
3. In order to avoid any potential negative impacts on nearby existing and future residential uses, matters such as fencing, buffer strips, lighting and other design considerations will be addressed through the Site Plan Control process should the existing plaza be redeveloped and for the construction of the proposed convenience commercial plaza.

Objective 6 - Open Space - ESA

The Tiffany Creek Environmentally Sensitive Area and the wooded uplands to the west will be retained in their natural state and protected from any potential adverse impact associated with the development of the neighbourhood.

Policies

1. All lands located within the Tiffany Creek Environmentally Sensitive Area will be designated as "Open Space - ESA".
 2. These lands will not be developed or used for active recreational purposes in order to maintain the ecological function of the designated Environmentally Sensitive Area. The intent is that this area may be used for passive public recreational uses and protection and maintenance of this area will continue so that the ESA will be maintained in its natural state.
 3. A proposed bicycle path/pedestrian linkage shall be created on the most easterly buffer area of the Environmentally Sensitive Area. This will be designated as bicycle path/pedestrian linkage. Access to the trail system will be created through a series of parkettes. The buffer area must therefore include a minimum 7.5 metre wide table land area for the proposed trail.
 4. In the consideration of any site specific land development applications, regard shall be given to the recommendations of the Falkirk West Wetland Environmental Impact Study. Should any future Environmental Impact
-

Study reduce or change the boundary of the Environmentally Sensitive Area, an amendment to this Neighbourhood Plan will be required prior to the consideration of any additional development.

Actions

1. The City will support an Official Plan Amendment to establish an Open Space designation for the lands within the Tiffany Creek Headwater Environmentally Sensitive Area and these lands will be designated as Open Space - ESA in the Falkirk West Neighbourhood Plan.
2. The proposed Open Space boundary and Top of Bank will be confirmed at the time of the approval of site specific development applications.
3. Stormwater management will be implemented in accordance with the overall Stormwater Management Plan for this neighbourhood.

Objective 7 - Parks

Adequate park land will be made available for the residents of the Falkirk West Neighbourhood.

Policies

1. A series of parkettes will be established along the boundary of the Tiffany Creek ESA in order to provide "visual windows" to this open space feature and to facilitate pedestrian access onto the neighbourhood trail.
2. A minimum one acre neighbourhood park will be provided in a central location to accommodate limited active play areas for local residents.

Actions

1. The City will acquire through dedication or conveyance the public parkettes as shown on the neighbourhood plan to provide public open space areas and access to the neighbourhood trail.
2. The City will ensure through Site Plan Control that each Innovative Housing block and Townhouse block will have an active play area.

Objective 8 - Schools

Both public and separate elementary and secondary schools shall be available and accessible to the residents of the Falkirk West Neighbourhood within the surrounding neighbourhoods.

Policies

1. The Public and Separate Boards of Education will be encouraged to develop appropriate school sites to accommodate the school needs of the Falkirk West Neighbourhood.

Objective 9 - Transportation

(Road System and Pedestrian/Bicycle Paths and Transit)

Road System

The road patterns will be designed recognizing the undulating topography where feasible maximizing energy efficiency without jeopardizing the safety and convenience of residents while maintaining accepted roadway geometric design criteria.

Policies

1. The street system will be designed in an east-west orientation where feasible in order to maximize potential solar orientation for the residential lots.
2. The internal street system for safety and amenity reasons will be designed to discourage through traffic and the road pattern will ensure that existing streets are not impacted by traffic for the developing areas.
3. The upgrading of Regional arterial roads will have to be considered in the Region of Hamilton-Wentworth's Capital Works Program. Internal roads will be constructed as required.
4. No direct residential frontage along Rymal Road West will be created although flankage and butt end roads will support an aesthetic streetscape.
5. The proposed road extending into the interior of the neighbourhood will function as a neighbourhood collector and will intersect with Upper Paradise Road directly opposite of the entrance of St. Thomas More High School. The road will be designed to accommodate a potential signal installation in the future.
6. Direct frontage development will be encouraged and permitted on Upper Paradise Road.

Actions

1. The City will endorse an internal road system for the neighbourhood which clearly identifies the collector road, minimize the number of stops and discourages through traffic.
 2. The City will monitor traffic patterns and will construct traffic signals when warranted.
-

-
3. The intersection of Stone Church Road and Juliebeth Drive will be monitored on a regular basis to determine if signalization is warranted.

Bicycle Paths/Pedestrian Linkage

Pedestrian and bicycle paths will be encouraged by the City.

Policies

1. A pedestrian and/or bicycle path linking the various land uses in the Falkirk West Neighbourhood shall be incorporated into the buffer area adjacent to the Tiffany Creek ESA.
2. The City should assess the need for constructing sidewalks for pedestrians and/or bicycle paths that are provided in the neighbourhood.

Actions

1. The City will encourage the development of pedestrian/bicycle transportation links within the neighbourhood and between the Falkirk West Neighbourhood and adjacent neighbourhoods.
2. The City will encourage the development of bicycle/pedestrian paths through the process of Subdivision and Site Plan Control.
3. The bicycle/pedestrian linkage can include existing roads or easements where necessary.

Public Transit

The use of public transit will be promoted and encouraged by the City.

Policies

1. Public transit routes will serve as many people as possible by locating bus stops at convenient and accessible locations.
-

Actions

1. The City will encourage the development of the Falkirk West Neighbourhood to increase the viability of public transportation between this community and other parts of the City and the Region.
2. The City will encourage the Hamilton Street Railway Company to provide shelters and/or benches at most bus stops.

Objective 10 - Infrastructure

Municipal services including storm and sanitary sewers, potable water and a stormwater management facility will be provided for the Falkirk West Neighbourhood.

Policies

1. The City will request the Regional Engineering Department to provide storm and sanitary sewers and an adequate water supply capable of servicing the residents in the neighbourhood.
2. The development of the Falkirk West Neighbourhood will proceed on the basis of full municipal services including sanitary sewers, storm sewers and municipal water.
3. Stormwater management techniques will be implemented for all new development in accordance with the comprehensive Stormwater Management Study prepared for the Falkirk West Neighbourhood.
4. The development of the Falkirk West Neighbourhood will not create negative effects on downstream portions of Tiffany Creek and Twenty Mile Creek.

-
5. The City will ensure that grading and stormwater runoff will not adversely affect the Tiffany Creek wetland and Environmentally Sensitive Area.
 6. The City will support the staging of development and the use of interim stormwater management areas pending the completion of an overall stormwater management system.
 7. Further studies will be required to ascertain the design, location, size and dimensions of the proposed stormwater management facility.
 8. The City of Hamilton will maintain the proposed stormwater management facility and this will be considered as a servicing facility (Utilities) similar to a pumping station.
 9. Sewer easements, if required, must be 12 metres in width.

Actions

1. The land owners, the City and the Region will ensure that full urban services are available with the adequate capacity to service the entire Falkirk West Neighbourhood.
2. The land owners will prepare and submit for approval a servicing investigation to address delineation of drainage, stormwater management, easements required and the effect of storm and sanitary drainage from the neighbourhood on the existing systems, to the satisfaction of the Regional Engineering Department, respective Conservation Authorities and other appropriate agencies.
3. Land owners will ensure that appropriate siltation and erosion control measures will be put in place to avoid downstream siltation of Tiffany Creek, Twenty Mile Creek and existing storm sewers.

Objective 11 - Hydro Electrical Corridor

The Falkirk West Neighbourhood recognizes the existing hydro electrical facility on the western edge of the neighbourhood.

Policies

1. The development of the Falkirk West Neighbourhood will not interfere with the operation or the maintenance of the existing hydro electric facility on the western edge of the neighbourhood.

Actions

1. Development plans will be circulated to the appropriate authority to ensure that development within the Falkirk West Neighbourhood does not interfere with the safety, operation and maintenance of the hydro electric facility.

Objective 12 - Heritage Resources

The Falkirk West Neighbourhood contains a small prehistoric campsite and several isolated sport finds in the south-east corner of the neighbourhood.

Policies

1. Archaeological artifacts/sites are an important heritage resource of the City of Hamilton.

Actions

1. As land development occurs throughout the undeveloped portions of the neighbourhood, site specific archaeological investigations may be required.

9.0 ADMINISTRATIVE PROVISIONS

The Falkirk West Neighbourhood Plan is policy of City of Hamilton Council but is not incorporated into the Official Plan. The plan is not intended to be rigid. It is anticipated, however, that there will be minor changes from time to time in response to new circumstances. These changes should not deviate from the general goals, objectives and overall philosophy of the plan. Very minor changes in land use and boundaries of a "housekeeping" nature will not necessitate an amendment to the Neighbourhood Plan. However, other changes of a more substantive nature will require Council approval and full participation of those residents and landowners affected.

An Official Plan Amendment is required if any Commercial designation is proposed to exceed 0.4 hectare (1.0 acre). Any other major changes to the Neighbourhood Plan which do not conform to the Official Plan will require an amendment to the Official Plan.

10.0 NEIGHBOURHOOD ANALYSIS

FALKIRK WEST NEIGHBOURHOOD - NEIGHBOURHOOD ANALYSIS

LAND USE	AREA		%	Dwelling Units (du) ¹	Estimated Population (p) ²
	ha	ac.			
EXISTING / COMMITTED					
Single and Double	6.27	15.50	68.2	84	294
Attached Housing	1.13	2.80	12.3	48	168
RESIDENTIAL SUB- TOTAL	7.40	18.30	80.5	132	462
Commercial	1.78	4.40	19.4		
NON RESIDENTIAL SUB-TOTAL	1.78	4.40	19.4	0	0
TOTAL EXISTING	9.19	22.70	100.0	132	462
PROPOSED					
Single and Double	14.77	36.50	45.8	220	770
Attached Housing	0.81	2.0	2.51	32	96
Innovative Housing	4.014	9.9	12.45	120	362
RESIDENTIAL SUB-TOTAL	19.57	48.35	60.7	370	1228
Commercial	.40	1.00	.012	-	-
Park/Open Space/Utilities	12.25	30.26	38.8	-	-
NON-RESIDENTIAL SUB-TOTAL	12.65	31.25	39.2	-	-
TOTAL PROPOSED	32.22	79.62	100%	370	-
TOTAL NEIGHBOURHOOD PLAN	41.40	102.33	100%	502	1682

NOTES:

1. NUMBER OF DWELLING UNITS (D.U.) FOR EXISTING DEVELOPMENT BASED ON UNIT COUNT. FOR PROPOSED DEVELOPMENT, NUMBER OF DWELLING UNITS DERIVED BASED UPON ASSUMED AVERAGE DENSITIES OF:

SINGLE AND DOUBLE 14.8 D.U. PER GROSS HA
 ATTACHED HOUSING 38.5 D.U. PER GROSS HA
 INNOVATIVE HOUSING BLOCKS 29.6 D.U. PER GROSS HA

2. POPULATION ESTIMATED ON ASSUMED OCCUPANCY RATES OF:

SINGLE AND DOUBLE 1.5 PERSONS/D.U.
 ATTACHED HOUSING 3.0 PERSONS/D.U.
 INNOVATIVE HOUSING BLOCKS 3.0 PERSONS/D.U.

APPENDIX A

SOURCES / ACKNOWLEDGEMENTS

*The City of Hamilton Official Plan
Adopted May 11, 1982*

*The Regional Municipality of Hamilton-Wentworth
Official Plan
Adopted June 17, 1980*

*Ontario Provincial Policy Statement
May 1996*

*Draft Falkirk West Neighbourhood Plan
May, Pirie and Associates Limited (1992)*

*City of Hamilton
Planning and Development Department
Paul Mallard, MCIP, RPP
Bill Janssen, MCIP, RPP
Keith Extance, MCIP, RPP
Stephen Robichaud, MCIP, RPP
Nina Chapple
August 1996*

*Regional Municipality of Hamilton-Wentworth
Regional Environmental Department
Guy Paparella, MCIP, RPP
Raymond Lee, MCIP, RPP
G.D. Baguley, P.Eng
Eugene Chajka, P.Eng
Harold Groen, C.E.T.
June 1996*

*City of Hamilton
Department of Public Works and Traffic
Roland Karl, P.Eng
June 1996*

*Ecologistics Limited
George McKibbin, M.E.S.*

C.C. Parker Consultants Limited

Water and Earth Service Assessments Limited

Hamilton Street Railway
March 1996

City of Hamilton Culture and Recreation Department
March 1996

City of Hamilton Public Works Department
March 1996

City of Hamilton Fire Department
March 1996

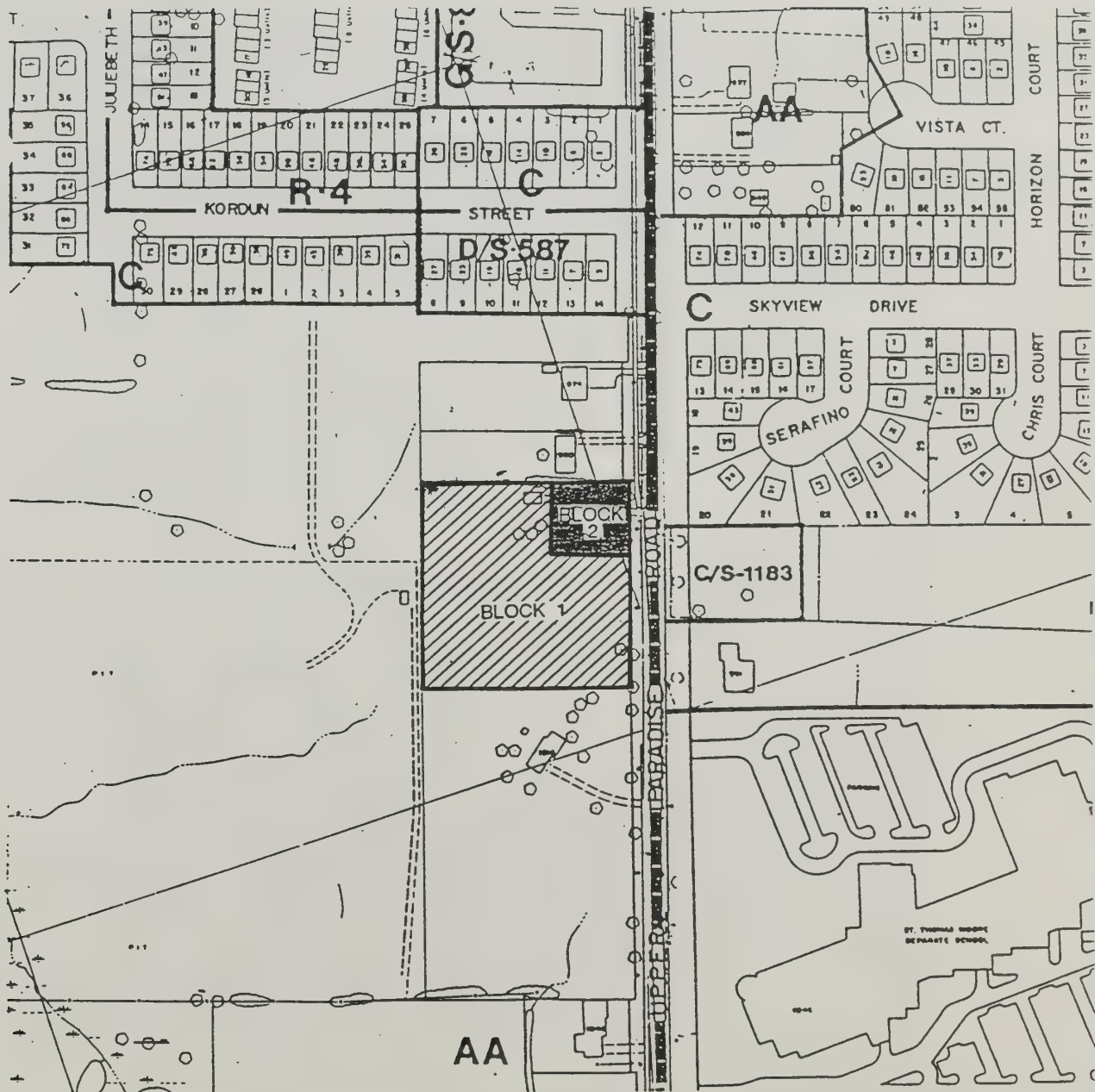
Central Hamilton Library
April 1996

Hamilton-Wentworth Separate School Board
March 1996

Hamilton Public School Board
March 1996

Site Visit and Topographic Analysis
March/April 1996

Planning Initiatives Limited
Sergio Manchia, MCIP, RPP
John Ariens, MCIP, RPP



Legend

Proposed change in zoning from:

- | | | |
|---------|---|---|
| BLOCK 1 |  | "AA" (Agricultural) District to
"RT-20" (Townhouse - Maisonette) District |
| BLOCK 2 |  | "AA" (Agricultural) District to
"C" (Urban Protected Residential, etc.) District |

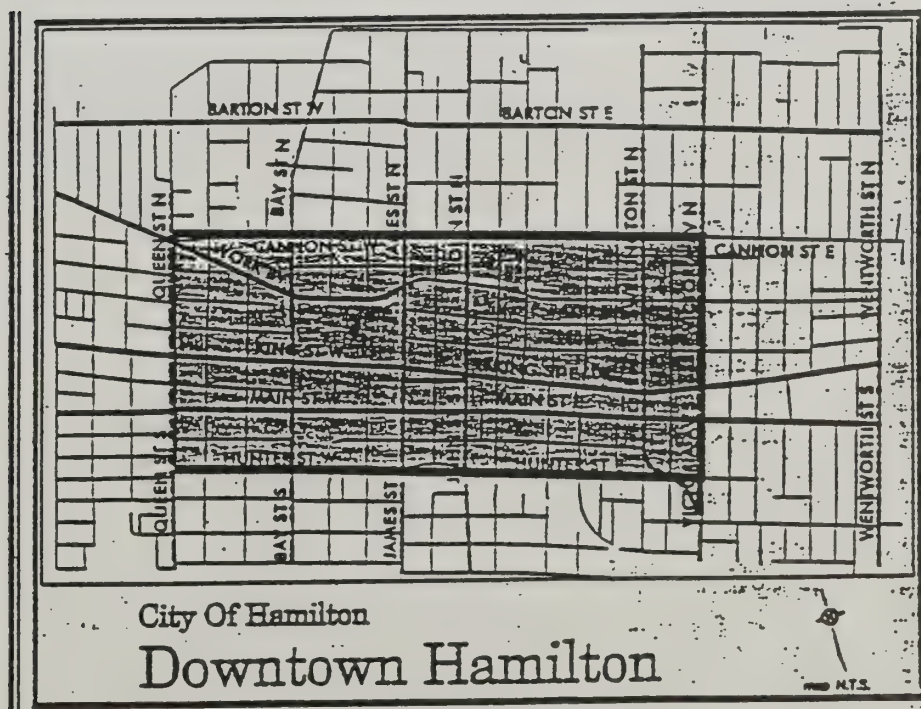


Summary of Terms of Hamilton Downtown Convert/Renovate-to-Rent Loan Program

- | | | |
|-----|---|--|
| (a) | Lender: | The Corporation of the City of Hamilton |
| (b) | Duration of loan program: | Until terminated by Council |
| (c) | Initial loan Capital: | \$180,000 - City funds |
| | Additional loan Capital: | \$180,000 - Region funds |
| (d) | Loan Interest rate: | Zero interest |
| | Interest on arrears: | 12.9996% per annum or such tax arrears interest rate established by Council |
| (e) | Maximum loan term: | Ten years (subject to prior termination on default)
Principal repayable in monthly amounts over 120 months |
| (f) | Maximum Loan: | The lesser of cost or \$12,000 per apartment unit with a maximum of \$48,000 loan per property; |
| (g) | Purpose of Loan: | Costs of converting upper floors of commercial buildings into apartments or renovations to bring existing apartments into compliance with the Property Standards By-law and Fire Code. The existing apartments must be in commercial buildings; |
| (h) | Security: | Promissory Note and Lien on property being improved and/or a collateral mortgage on other property subject to City's minimum equity requirement; |
| (i) | Minimum Equity requirement: | Owner shall have not less than 25% equity in the appraised value of the property offered as security, including value of alterations being financed; |
| (j) | Realty taxes: | In good standing at all times |
| (k) | Eligible Costs: | All costs associated with the conversion or renovations to be borne by the applicant including construction, design, appraisal, legal, registration fees. City retains right to assess reasonableness of costs and which costs are eligible for program; |
| (l) | Sale or refinancing of property: | Loan due in full; |
| (m) | Revolving Loan Account: | Loan repayments to be credited to loan program account for re-lending; |
| (n) | Except as provided above, subject to City's usual lending criteria. | |

Proposed Area for Hamilton Downtown Convert/Renovate-to-Rent Program

All commercial properties inside the boundary of Queen Street, Cannon Street, Victoria Avenue, and Hunter Street as identified on the following map:



REASONS FOR DESIGNATION**Former St. George's Anglican Church and Sunday School****137 Strathcona Avenue North
(10 Tom Street, Hamilton)****Context**

Built in 1890, St. George's Anglican Church is situated at the north-west corner of Tom Street and Strathcona Avenue North between Victoria Park and Dundurn Park. This attractive, unpretentious Gothic Revival church and its adjacent Sunday school fit comfortably into the surrounding late 19th/early 20th century residential neighbourhood, with its pleasant mix of modest one-storey frame houses and larger two-storey brick dwellings. The low-rise character of the church setting is interrupted only by the apartment tower to the south-east of St. George's, built on the large site of the former Semmens & Evel Casket Company.

Architecture

Built in the Gothic Revival style, St. George's is typical of the Anglican parish churches erected in the late 19th century to serve Hamilton's expanding neighbourhoods. The characteristic steeply-pitched roof, belfry, buttressed brick facade, and pointed-arched windows of St. George's can also be found in St. Luke's in the north end (1889); St. Mark's (1878) and St. John the Evangelist (1892) in the south end; and St. Matthew's (1887, demolished) and St. Peter's (1892, later rebuilt) in the east end. Although simple and unadorned, this form of the gothic parish church has its roots in the rich tradition of English church architecture.

Credited to Hamilton architect J. H. Young, the church was constructed in 1890 and extended easterly by two bays in 1902, creating a new facade on Strathcona North with corbelled brick decoration and a triple gothic window. The interior sanctuary consists of one, entirely open space, featuring exposed roof trusses, and some fine stained-glass windows. In 1925, the entrance vestibule was added to the front facade. Taken altogether, the pleasing simplicity of design and the balance of proportions make St. George's an architecturally distinguished neighbourhood landmark.

In 1911, the Reverend Frederick E. Howitt, noted both locally and internationally for his work in religious education, undertook the construction next door of a major Sunday school. Set back from Tom Street, the Sunday school building is a tall, brick structure comparable to the church in height and scale. Its exterior treatment is unusual with elaborate brick corbelling on the gable front and widely spaced Tudor-arched windows; the interior Sunday school layout consists of a large, two-storey open room containing classrooms and a mezzanine on three sides. Although the church schoolhouse was a popular addition in the 1890's, St. George's example is unusually large for the size of the church; as a free-standing church school, it is a relatively rare building type today. Formerly accommodating as many as 900 children, the school stands as a testimony to the value that St. George's parish placed on education.

These two brick buildings, church and school, are situated at right angles to each other around a grassed forecourt. Together, they form an interesting architectural complex which enhances the urban character of the neighbourhood.

History

Opened as St. George's Chapel of Ease, the church was built to serve parishioners in the west end of the Parish of All Saints. Only three years later, St. George's became a separate parish, defined as the area westward from Locke and Locomotive (Ray, north of York) Streets to the Ascension (Hamilton) Cemetery and from Main Street to the harbour. By the turn of the century, St. George's Church was an important institution within the thriving West End neighbourhood.

The period of major expansion for St. George's Church and Parish corresponds to the thirty-one year ministry of its third rector, Reverend Frederick E. Howitt, appointed in 1895 and made a canon in 1914. St. George's prominence within Hamilton's Anglican community may be largely attributed to his dedicated and inspirational service. As a gifted preacher and teacher, Canon Howitt attracted large audiences to regular services at St. George's and gave religious instruction to classes throughout the city. Moreover, Howitt's influence extended far beyond the local Anglican community through his work as a missionary and speaker across Canada and the United States.

Another prominent figure in the history of St. George's was its sixth rector, the Reverend Donald H. MacLennan (1941-1966), who made a substantial contribution to the missionary and religious education work begun by Canon Howitt and subsequently associated with St. George's.

Designated Features

Important to the preservation of St. George's Anglican Church are the original features of all four facades of the church, including the brick masonry walls and stone foundation, buttresses, belfry, pointed-arched windows with stone sills, the stained glass windows, doors; the interior sanctuary, including the walls, windows, interior roof trusses and original wood panelling; and all four exterior facades of the adjacent Sunday school, including walls, windows, and the interior open space with its classrooms and mezzanine.

Bill No. C-

The Corporation of the City of Hamilton

BY-LAW NO. 96-

To Designate:

**THE PROPERTY KNOWN AS ST. GEORGE'S ANGLICAN CHURCH
AND SUNDAY SCHOOL
LAND LOCATED AT MUNICIPAL NO. 137 STRATHCONA AVENUE NORTH
(10 TOM STREET)**

As Property of:

HISTORIC AND ARCHITECTURAL VALUE AND INTEREST

WHEREAS the Council of The Corporation of the City of Hamilton did give notice of its intention to designate the property mentioned in section 1 of this by-law in accordance with subsection 29(3) of the Ontario Heritage Act, R.S.O. 1990, Chapter O.18;

AND WHEREAS the Conservation Review Board made a report as required by the said Act;

AND WHEREAS it is desired to designate the property mentioned in section 1 of this by-law in accordance with clause 29(14)(a) of the said Act.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The property known as St. George's Anglican Church and Sunday School, located at Municipal No. 137 Strathcona Avenue (10 Tom Street) and more particularly described in Schedule "A" hereto annexed and forming part of this by-law, is hereby designated as property of historic and architectural value and interest.
2. The City Solicitor is hereby authorized and directed to cause a copy of this by-law, together with reasons for the designation set out in Schedule "B" hereto annexed and forming part of this by-law, to be registered against the property affected in the proper registry office.
3. The City Clerk is hereby authorized and directed,
 - (i) to cause a copy of this by-law, together with reasons for the designation, to be served on the owner and The Ontario Heritage Foundation by personal service or by registered mail;
 - (ii) to publish a notice of this by-law once in a newspaper having general circulation in the Municipality of the City of Hamilton.

PASSED this day of A.D. 1996

CITY CLERK

MAYOR

Schedule "A"

To

By-law No. 96-

St. George's Anglican Church and Sunday School
137 Strathcona Avenue (10 Tom Street), Hamilton, Ontario

In the City of Hamilton, in the Regional Municipality of Hamilton-Wentworth
and being composed of:

FIRSTLY: Part of Lots 42 and 43 fronting on the west side of Strathcona Avenue (formerly Sophia Street) in the block bounded by Tom, Davenport, York and Strathcona Avenue (formerly Sophia Street) in Sir Allan Napier MacNab's Survey in the said City of Hamilton, and which may be more particularly described as follows, that is to say:

COMMENCING at a point on the west limit of Strathcona Avenue distant 79 feet northerly from the south-east angle of Lot 41 in the said survey;

THENCE northerly along west limit of Strathcona Avenue, 36 feet to a point;

THENCE westerly parallel to the southerly limit of said Lot 41, 100 feet more or less to a point 50 feet easterly from the west limit of said Lot 43, which point is on the boundary of St. George's Church property acquired by Deed No. 69393;

THENCE southerly parallel to the west limit of Strathcona Avenue, 36 feet more or less to the lands now owned by St. George's Church as deeded to them by No. 106670 N.S. which point is distant 79 feet from the north limit of Tom Street.

THENCE easterly and parallel to the northerly limit of Tom Street, 100 feet ore or less to the place of beginning;

SECONDLY: Parts of Lots Numbers 41 and 42 fronting on the west side of Strathcona Avenue (formerly Sophia Street) in the block bounded by Tom, Davenport, York and Strathcona Avenue (formerly Sophia Street) in Sir Allan Napier MacNab's Survey and which may be more particularly described as follows, that is to say:

COMMENCING at a point on the west limit of Strathcona Avenue distant 50 feet northerly from the south-east angle of said Lot 41;

THENCE northerly along the west limit of Strathcona Avenue, 29 feet more or less to a point;

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Planning and Development Committee presents its **FIFTEENTH** Report for 1996 and respectfully recommends:

1. A. (a) That approval be given to revised Subdivision Application 25T-94004(R), Starward Homes, prospective owner, for a draft plan of subdivision "Tiffany", on lands located west of Sanatorium Road and north of Chedmac Drive, in the Mountview Neighbourhood, as shown on the attached map marked as APPENDIX "A", subject to the following conditions:
 - (i) That this approval apply to the plan, as revised in red, prepared by A.J. Clarke and Associates Limited and certified by B.J. Clarke, O.L.S., dated July 10, 1996, showing 179 lots (111 single family lots and 68 small-lot single family lots), a block for parkland (Block 184), a block for a public walkway (Block 182), a block for storm water management (Block 180), a block for 0.30 m reserve (Block 183), 2 blocks for road widening purposes (Blocks 181 and 185) and five new streets and the extension of Chedmac Drive, as shown on the attached map marked as APPENDIX "B".
 - (ii) That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
 - (iii) That the Owner prepare and submit, to the satisfaction of the Director of Planning and Development, a municipal street numbering plan.
 - (iv) That the final plan conform with the Zoning By-law approved under the Planning Act.
 - (v) That the Owner provide the City of Hamilton with a certified list showing the net area and width of each lot and the gross area of the subdivision in the final plan.
 - (vi) That the Owner shall erect a sign in accordance with Section XI of the subsequent agreement, prior to the issuance of a final release by the City of Hamilton.

- (vii) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
- (viii) That the Owner establish the right-of-way width of Chedmac Drive at 26m to the north limit of Street "E".
- (ix) That the owner align Chedmac Drive in the vicinity of Lots 137 to 147, and realign Sanatorium Road and the intersection of Scenic Drive and Street "E"/Sanatorium Road, adjacent to Block 180, in conjunction with the development of the subdivision lands, to the satisfaction of the Director of Public Works and Traffic and the Director of the Roads Division of the Transportation Department.
- (x) That the owner implement the recommendations of a detailed functional engineering study, approved by the Regional Environment Department, showing the alignment of Chedmac Drive, realignment of Sanatorium Road and the road alignment at the intersection of Scenic Drive and Street "E"/Sanatorium Road.
- (xi) That the owner be responsible for all costs in the upgrading of Sanatorium Road, from Street "E" to Scenic Drive, based on the detailed functional engineering study.
- (xii) That the owner assume all costs on both sides of the internal boundary streets when the subdivider owns the remaining lands abutting the subdivision (i.e. Chedmac Drive and Street "E").
- (xiii) That the Owner submit a detailed functional engineering study showing the alignment of Chedmac Drive, realignment of Sanatorium Road and the road alignment at the intersection of Scenic Drive and Street "E"/Sanatorium Road, to the satisfaction of the Director of Public Works and Traffic and the Director of the Roads Division of the Transportation Department.
- (xiv) That any dead-end open sides of the road allowance created by the Final Plan of Subdivision be terminated on 0.30m reserves, and that these reserves be transferred to the City of Hamilton in conjunction with registration of the Final Plan of Subdivision.
- (xv) That the Owner convey all the necessary lands required by the Regional Environment Department for drainage and stormwater management purposes to the City of Hamilton.

- (xvi) That the Owner convey Block 184 to the City of Hamilton for Park/Open Space.
- (xvii) That the owner retain the services of qualified professionals to complete a comprehensive design study and implement the details for the construction and operation of the stormwater management facility, including the biological, aesthetic, safety, hydrological, maintenance and other concerns to the satisfaction of the Commissioner of the Regional Environment Department. Depending on the final size of the proposed stormwater management facility, the final number of lots on and length of Court "D" may be amended.
- (xviii) That the Owner provide fencing to all residential lots adjacent to the proposed stormwater management facility.
- (xix) That the Owner submit a phasing strategy report and phasing plan to the satisfaction of the Commissioner of the Regional Environment Department. The phasing strategy report will detail the servicing of each phase, including the timing of the construction of the stormwater management facility and road improvements on Sanatorium Road, based on social, environmental and engineering considerations.
- (xx) That the Owner submit a sediment and erosion control plan to the satisfaction of the Commissioner of the Regional Environment Department and that sediment and erosion control methods be maintained during the development of the subject lands. The said plan must comply with the following requirements:
 - (1) That all erosion and sediment control measures be installed prior to development, and maintained throughout the construction process, until all disturbed areas have been revegetated;
 - (2) That the Owner provide a summary inspection report every 30 days, prepared by a qualified professional engineer, outlining the status of all erosion and sediment control measures after each rainfall, including remedial actions taken, to the satisfaction of the Commissioner of the Regional Environment Department;
 - (3) That any disturbed area not scheduled for further construction within 45 days be provided with a suitable temporary mulch and seed cover within 7 days of the completion of that particular phase of construction; and,

- (4) That all disturbed areas be revegetated with permanent cover immediately following completion of construction.
- (xxi) That the owner dedicate by certificate Block 185 to the City of Hamilton for a road widening adjacent to Block 184, as shown on the attached plan, to match the realignment of Chedmac Drive to a "T" intersection to the south.
- (xxii) That the owner dedicate by certificate Block 181 to the City of Hamilton for a road widening.
- (xxiii) That the owner dedicate sufficient lands to the City, in accordance with recommendations of the approved functional engineering study for Sanatorium Road, from Street "E" to Scenic Drive, adjacent to Block 181, and that these lands (for road widening) be included on the Final Plan of Subdivision as a separate Block to be dedicated as public highway to the City by Certificate.
- (xxiv) That the owner pay any applicable servicing costs to the City associated with the 0.30m reserve known as Part 20 on Reference Plan 62R-12060 on Chedmac Drive adjacent to Lots 1 and 136, Block 184 and the east limit of Street "B".
- (xxv) That the Owner enter into a subdivision agreement with the City of Hamilton, in order to satisfy all requirements, financial, engineering and otherwise, prior to the development of any portion of these lands.
- (xxvi) That the owner convey Block 182 to the City of Hamilton.
- (xxviii) That the Owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton.
- (b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (25T-94004(R)), Starward Homes, prospective owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.
- (c) That the City Clerk be directed to advise the Commissioner of the Regional Environment Department of Council's decision.

- B. (a) That approval be given to amended Zoning Application 94-19, Chedoke Health Corporation and Starward Homes, owner and prospective owner, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, "R-4" (Small Lot Single Family Dwelling) District and "A" (Conservation, Open Space, Park and Recreational) District, for lands located west of Sanatorium Road and north of Chedmac Drive, in the Mountview Neighbourhood, shown as Blocks "1", "2", "3" and "4" on the attached map marked as APPENDIX "A", on the following basis:
- (i) That Block "1" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
 - (ii) That Block "2" be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single Family Dwelling) District;
 - (iii) That Blocks "3" and "4" be rezoned from "AA" (Agricultural) District to "A" (Conservation, Open Space, Park and Recreational) District;
 - (iv) That the Director of Planning and Development be directed to prepare a By-law in a form satisfactory to the City Solicitor to amend Zoning By-law No. 6593 and Zoning District Maps W-36 and W-37 for presentation to City Council;
 - (vi) That the proposed changes in zoning will be in conformity with the Official Plan for the Hamilton Planning Area, as amended by revised OPA-135, upon approval of the Official Plan Amendment by the Region of Hamilton-Wentworth; and,
 - (vii) That the implementing Zoning By-law not be presented to Council for adoption until the By-law to adopt OPA-135 has been passed by Council
- (b) That the approved Mountview Neighbourhood Plan be amended to revise the street pattern as per the revised plan of subdivision "Tiffany".

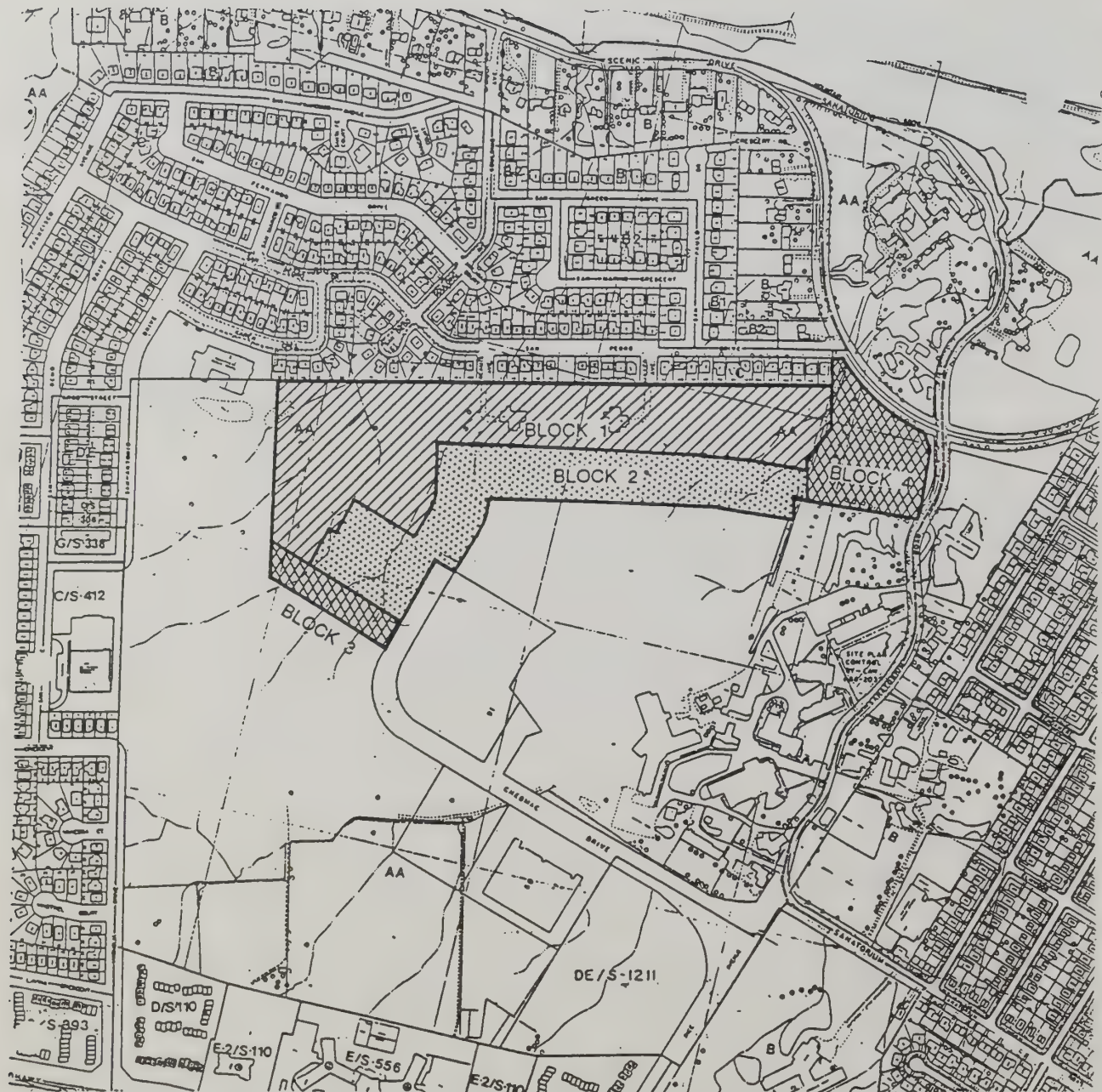
2. That the following Bill be adopted, signed, sealed and enrolled as a By-law:

C-54 A By-law to Amend Zoning By-law No. 6593 Respecting Lands Located West of Sanatorium Road and North of Chedmac Drive.

Respectfully submitted,

**ALDERMAN D. DRURY, CHAIRPERSON
PLANNING AND DEVELOPMENT COMMITTEE**

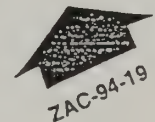
**Kevin Christenson, Acting Secretary
1996 September 24**



Legend

Proposed change in zoning from:

- | | | |
|---------|---|---|
| BLOCK 1 |  | "AA" (Agricultural) District to
"C" (Urban Protected Residential, etc.) District |
| BLOCK 2 |  | "AA" (Agricultural) District to
"R-4" (Small Lot Single-Family Dwelling) District |
| BLOCK 3 |  | "AA" (Agricultural) District to "A" (Conservation,
Open Space, Park and Recreation) District |
| BLOCK 4 |  | "AA" (Agricultural) District to "A" (Conservation,
Open Space, Park and Recreation) District |



APPENDIX "A"



REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Finance and Administration Committee presents its **FIFTEENTH** Report for 1996 and respectfully recommends:

1. That the Canadian Football Hall of Fame and Museum Management Board be authorized to negotiate the leases, with the assistance of the Director of Property, for the Hamilton Municipal Employees Credit Union and The Press Club's use of the property at 50 Jackson Street West.
2.
 - (a) That the City confirm with the Fountain Foundation its temporary financial support to an upset limit of \$98,000; and,
 - (b) That the Fountain Foundation be requested to continue its fundraising efforts, including book sales, corporate donations and service-in-kind donations in keeping with the method of financing initially proposed for this project; and,
 - (c) That the temporary financing for the installation of the Gore Park Fountain, up to a maximum of \$98,000, be funded from the Reserve for Contingency, Account Centre No. CH00115, to be repaid from the collection of contributions from the Gore Park Fountain Foundation; and,
 - (d) That the City Treasurer be authorized and directed to release funds as required upon request of the Commissioner of Public Works and Traffic.
3. That the City of Hamilton decline the Plaintiff's (Agnes Pavic) Offer to Settle Ontario Court (General Division) Action No. 2147/93 on the following terms:
 - (a) Plaintiff to receive \$10,000 in damages plus pre-judgment interest in full satisfaction of all claims except costs; and,
 - (b) Plaintiff to receive costs on a solicitor-and-client basis.

4. (a) That the City resolve Ontario Court (General Division) Action No. 39857/92 by the payment to the Plaintiff, Herbert Pohl, of the sum of \$23,433.70 inclusive of all claims for damages, interest and costs; and,
 - (b) That the Plaintiff be required to execute a Full and Final Release in a form satisfactory to the City Solicitor; and,
 - (c) That Ontario Court (General Division) Action No. 19857/92 be dismissed without costs.

5. (a) That the City of Hamilton Offer to Settle all matters outstanding in Court of Appeal File No. C14230 on the following terms:
 - (i) That the City of Hamilton will pay to the Plaintiff, (Respondent) Helen Semenuk 75% of the Judgment in Ontario Court (General Division) Action # 1685/85 together with post-judgment on that reduced amount at 7% from 1992 November 30, to the date of acceptance of this Offer; and,
 - (ii) That the City of Hamilton will pay to the Plaintiff, (Respondent) Helen Semenuk the full amount of the assessed costs in Ontario Court (General Division) Action # 1685/85 together with post-judgment at 8% from 1993 May 3, to the date of acceptance of this Offer; and,
- (b) That the Plaintiff, (Respondent) Helen Semenuk be required to deliver a Satisfaction Piece with respect to the Judgment in Ontario Court (General Division) Action # 1685/85 in a form satisfactory to the City Solicitor; and,
- (c) That the Appeal in Court of Appeal file No. C14230 shall be dismissed, on consent, without costs; and,
- (d) That this Offer remain open for acceptance until withdrawn, or until the commencement of the hearing of the Appeal, which ever first occurs.

6. (a) That the agreement between the vendor, Lou Bojin of StrEATables, and City for the provision of food vending services at Turner Farm Park to the end of 1998 be voidable on the condition that the vendor provides a signed discharge and release satisfactory to the City Solicitor; and,

- (b) That, upon completion of the above, the vendor receive from the City a refund in the amount of \$6,700 of the original \$10,000 paid to the City for the right to provide those food and beverage services.
- 7. That the City offer to settle all outstanding flood matters in Ontario Court (General Division) Actions No. 1807/86, 1808/86, 1809/86, 1810/86, 1812/86, 1813/86, 1814/86, 1815/86, 1816/86, 1817/86, 1818/86, 10156/90, 10157/90, 10158/90, 10159/90, 10160/90, 10161/90, 10162/90 and 10163/90 on the following terms:
 - (a) That the City will contribute the sum of \$45,500, made up of damages and interest of \$39,000 and costs of \$6,500, to the settlement of these Actions; and,
 - (b) That all Plaintiffs in these Actions be required to provide a Full and Final Release in a form satisfactory to the City Solicitor; and,
 - (c) That all of these Actions, together with any Crossclaims and Counterclaims, be dismissed, without costs.
- 8. That the Liquor Licence Board of Ontario be advised that the City of Hamilton is aware of the application for a Temporary Extension of Liquor Licence submitted by the Lazy Flamingo, 19 Hess Street South in conjunction with the Hess Village Merchants Association's "Oktoberfest in the Village" Festival to take place on Thursday, 1996 September 26th to Sunday, 1996 September 29th from 4:00 o'clock p.m. to 2:00 o'clock a.m., and that the City has no objection to the issuance of a Temporary Extension of Liquor Licence for this event.
- 9. That approval be given to the request of the Hamilton-Wentworth Drug and Alcohol Awareness Committee to use the 2nd Floor Lobby from 1996 November 17 to 23 for a display of general educational materials during Drug and Alcohol Awareness Week.
- 10. (a) That the City be authorized to enter into Extension Agreements, if required, in a form satisfactory to the City Solicitor and the City Treasurer pursuant to Section 8 of the Municipal Tax Sales Act, with the owners of the following properties to extend the time open for payment of realty tax arrears in accordance with the policy for extension agreements approved by City Council on 1994 June 28:

482 King William	305 Jackson West
486 Cannon East	133 Birch
51 Fullerton	29 Cumberland
746 Rymal East	30 Linden
61 Fullerton	49 Francis
198 Julian	141 Craigroyston
229 Kenilworth North	707 Rennie
197 West North	16 Hollywood North
861 Queensdale East	193 Prospect South
1 Agnes	

- (b) That the By-law to authorize the said Extension Agreements be enacted by Council; and,
 - (c) That the Mayor and City Clerk be authorized to execute the aforesaid by-law and extension agreements.
11. That the costs attributed to the 1' Reserve adjacent to the single family lot at the south-west corner of Queen Victoria Drive and Loconder Avenue (No. 607 Queen Victoria Drive) in the amount of \$24,859.07, be financed from the Reserve for Services Through Unsubdivided Lands, Account Centre No. CH 00107.
12. (a) That the City engage the services of ABS Bailiff Service for the collection of outstanding business tax accounts effective 1996 October 1; and,
- (b) That the City engage the services of P.D. Merrell Bailiff Inc. for the collection of business taxes on behalf of the City of Hamilton subject to the Courts providing judicial consent to this firm to practise as bailiffs in the Region of Hamilton Wentworth; and,
- (c) That the Treasurer be authorized to approve the use of Trust accounts by the bailiffs for depositing taxes collected on the City's behalf in order to minimize the administrative effort required in this area; and,
- (d) That the City Solicitor be authorized and directed to prepare the necessary agreements for execution; and,

- (e) That in addition to utilizing bailiffs for the collection of outstanding business taxes, the Treasurer be authorized to use bailiffs for the collection of outstanding realty taxes on commercial/industrial properties where other collection procedures may not be appropriate or adequate to effect payment of the account; and,
 - (f) That the Revised City of Hamilton Business and Realty Tax Collection Procedures be approved, attached herewith and marked Appendix "A".
REFERRED BACK TO FINANCE & ADMINISTRATION COMMITTEE.
13. (a) That excess funds in the amount of \$283,139.86 from the wind-up of the Ontario Home Renewal Program (OHRP) be credited to the Reserve for Contingency, Account Centre No. CH 00115; and,
- (b) That the City's cost of the proposed Hamilton Downtown Convert/Renovate-to-Rent Loan Program be financed by the Reserve for Contingency, Account Centre No. CH 00115, in the amount of \$180,000.
14. (a) That the Tax Arrears Certificate registered on the title of 39 Mary Street and Extension Agreement, between the City and MNC Lifecare Group Inc., for the repayment of realty tax arrears on 39 Mary Street be discharged; and,
- (b) That the City and MNC Lifecare enter into a mutually agreed upon repayment schedule through December, 1997, for the outstanding realty tax on 39 Mary Street and the business tax accounts for 39 Mary Street and 570 King Street West as levied in 1997; and,
- (c) That the Law Department be authorized and directed to prepare and register the necessary documentation.
15. (a) That the City Clerk, in consultation with the Chairman of the Finance and Administration Committee, be authorized to give approval on requests from the community for uses of the City Hall facilities; and,
- (b) That the City Clerk provide the Finance and Administration Committee with Information Reports on these approved uses.

16. That a quarter page ad, at a cost of \$100, be placed in the Fall/Winter Newsletter for the Ontario Workers Arts and Heritage Centre in congratulations for their upcoming Opening on 1996 November 8th.
17.
 - (a) That an Offer to Purchase Agreement, duly executed by Michael Miller, on 1996 September 9 and scheduled to close on or before 1996 October 22, for the lands municipally described as 179 Stirton Street, being part of Lot 12, Registered Plan No. 560, Hamilton, having a frontage of 7.01 metres (23.00 feet), along the west side of Stirton Street and a depth of 22.24 metres (72.95 feet) more or less, be approved and completed as the requirements in the Municipal Act pursuant to the City's Real Property Procedural By-law No. 95-049 enacted on 1995 February 14 have been fulfilled by the City, and funds derived from this sale of \$34,000, less commission, be credited to Account No. CH 4X501 00102 (Reserve for Property Purchases); and,
 - (b) That the required deposit cheque in the amount of \$6,000 be held by the City Treasurer pending Council approval; and,
 - (c) That upon successful completion of this sale, a real estate commission of 5% on the \$34,000 sale price be paid to Re/Max Del Mar Realty Inc. (Sales Representative Danny Stanidis), who acted in this matter; and,
 - (d) That the Mayor and City Clerk be authorized and directed to execute the necessary documents; and,
 - (e) That in accordance with Real Property Sales Procedural By-law No. 95-049:
 - (i) Satisfactory notice has been given to the public of the intended sale; and,
 - (ii) An appraisal of the fair market value of the real property intended to be sold was obtained on the 6th day of February 1996; and,
 - (iii) The City Clerk be authorized and directed to execute (and issue) a Certificate of Compliance in the form prescribed pursuant to Section 193 of the Municipal Act.

18. (a) That an Offer to Purchase Agreement, duly executed by Tomislav Sajic on 1996 August 23, and scheduled to close on or before 1996 November 15, for the lands composed of part of Lot 22 on Registered Plan 296, having a frontage of 25.48 metres (83.60 feet) more or less, along the southern limit of Queensdale Avenue East, and a frontage of 25.419 metres (83.40 feet) more or less, along the western limit of Upper Gage Avenue, comprising an area of 915.0 square metres (9,849.30 square feet) more or less, shown as Part 1 on Plan 62R-13352 with all buildings thereon, known municipally as 940 Queensdale Avenue East, in the City of Hamilton, in the Regional Municipality of Hamilton-Wentworth, be approved and completed as the requirements in the Municipal Act pursuant to the City's Real Property Procedural By-law No. 95-049 enacted on 1995 February 14 have been fulfilled by the City, and the funds derived from this sale of \$105,000, be credited to Account No. CH 4X501 00102 (Reserve for Property Purchases); and,
 - (b) That the required deposit cheque in the amount of \$10,000 be held by the City Treasurer pending Council approval; and,
 - (c) That the Mayor and City Clerk be authorized and directed to execute the necessary documents; and,
 - (d) That in accordance with Real Property Sales Procedural By-law No. 95-049:
 - (i) Satisfactory notice has been given to the public of the intended sale; and,
 - (ii) An appraisal of the fair market value of the real property intended to be sold was obtained on 1996 May 3; and,
 - (iii) The City Clerk be authorized and directed to execute (and issue) a Certificate of Compliance in the form prescribed pursuant to Section 193 of the Municipal Act.
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19. That the following Bills be adopted, signed, sealed and enrolled as By-laws:
 - (a) D-51 A By-law to Authorize an Extension Agreement for Payment of Realty Tax Arrears.
 - (b) D-52 A By-law to Confirm the Proceedings of the Council of The Corporation of the City of Hamilton.

20. That the Liquor Licence Board of Ontario be advised that the City of Hamilton is aware of the application for a Temporary Extension of Liquor Licence submitted by Indigo's Restaurant, 33 Hess Street South in conjunction with the Hess Village Merchants Association's "Oktoberfest in the Village" Festival to take place on Saturday, 1996 September 28th to Sunday, 1996 September 29th, and that the City has no objection to the issuance of a Temporary Extension of Liquor Licence for this event. **ADDED.**

Respectfully submitted,

**ALDERMAN B. CHARTERS, CHAIRMAN
FINANCE AND ADMINISTRATION COMMITTEE**

**ALDERMAN D. ROSS, ACTING CHAIRMAN
FINANCE AND ADMINISTRATION COMMITTEE**

**Susan Reeder
Secretary
1996 September 17**

CITY OF HAMILTON
TREASURY DEPARTMENT

REALTY TAX COLLECTION PROCEDURES

1. Realty tax instalment bills are forwarded to the owner or agent of each taxable property in the first weeks of February, March, May and September. The taxpayer has the option in February and May of paying two instalments at once thereby taking advantage of a prepayment discount offered by the City. Alternatively the instalment due dates are the last working days of February, March, June and September.
2. Throughout the year any arrears carried forward from previous current year instalments or outstanding balances from previous years are shown on the tax bill as arrears and included in the total amount due.
3. Personalized letters from the Treasurer or Tax Collector are forwarded in July of each year to all property owners with outstanding accounts in excess of \$20,000.
4. In December of each year reminder notices are sent out to the assessed address and the most recent change of address shown on the City's tax records, for all amounts outstanding greater than or equal to \$25.
- *5. All accounts that will become two years in arrears in January of the following year are sent notices in November of the current year advising of the potential for tax registration procedures on the property.
6. All accounts that will become three years in arrears in January of the following year are sent notices in November of the current year with respect to pending tax registration procedures. The owners are advised to pay that portion of the tax that would become three years in arrears in January.
7. Consideration/use of rent attornment in circumstances where taxes are outstanding and rent continues to be paid to the landlord. **Consider the use of bailiffs for the collection of outstanding realty taxes on accounts on commercial/industrial properties where other collection procedures may not be appropriate or adequate to effect payment of the account.**
8. In January all of those properties that have become three years in arrears and have made no arrangement with the Tax department to remit payment on the account are again notified of the situation. At this point they are advised that the City will proceed to register the property for tax arrears, should no payment be made or arrangement agreed upon.

9. A final notice in the form of a personalized letter from the Treasurer or Tax Collector will be forwarded to the assessed owner prior to the registration of the tax arrears certificate.
10. Once the tax arrears certificate is registered on the property the owner(s) has one full year from date of registration to make payment on the taxes in full. During that year all interested parties as registered on the title of the property, the Sheriff's office and tenants according to the assessment roll are notified of the existing tax arrears certificate on the property.
11. After the one year redemption period expires the file is forwarded to our Law Department to ensure compliance with respect to notification as specified by the act. Once the Law Department verifies that the requirements of the Act have been carried out they advise the Tax section to proceed with the sale of the property.
12. The property is sold and upon completion of the sale the tax arrears are paid from the proceeds and the balance is forwarded to the court. Any balance remaining after the court satisfies any other lien holders on the property can be recovered by the original owner after their application to the court.

*Recommended revisions to collection procedures not implemented to date

CITY OF HAMILTON
TREASURY DEPARTMENT

BUSINESS TAX COLLECTION PROCEDURES

1. During the first weeks of February and May of each year, business tax bills for the pre-levy and levy instalments are forwarded to each business tax account as they appear on the most recently returned assessment roll. These bills are due on the last working day of the month in which they are levied.
2. Staff will attempt to make personal contact by telephone with the business taxpayers having outstanding accounts in excess of \$5,000. in an effort to collect these accounts or make satisfactory arrangements.
3. Fifteen days after the pre-levy due date, a "final notice" is forwarded to all business tax accounts where the current year taxes remain outstanding. Accounts with prior years' arrears which have been previously assigned to a bailiff or collection agency will not receive a "final" notice. For these accounts, the collection agency will receive an updated accounting of the balances owing and revised warrants will be issued to the bailiffs.
4. **Fifteen days after the "final notice" is issued for the February pre-levy, warrants are issued to the bailiffs for all accounts that are in arrears in excess of \$ 1,000. The bailiffs will notify the City of any accounts which are out of business in order that staff can take the appropriate action including forwarding the account to the collection agency if further collection action is required.**
5. All other accounts that are not paid, confirmed out of business, or have not entered into an acceptable payment arrangement are forwarded to the collection agency on the "special program" in the first week of the month following the sending of the "final notice". During the next thirty day period each account on the program receives a notice from the collection agency and are contacted by phone.
6. The outstanding balances from the pre-levy billing are included in the May levy billing, and appear as arrears on those bills with a message indicating that arrears are to be paid to the bailiff or the collection agency.
7. **A "final notice" will be issued fifteen days after the levy due date for those accounts with no previous arrears. A final notice will not be issued to those accounts with outstanding arrears. For those accounts, the collection agency will receive an updated accounting of the balances owing and revised warrants will be issued to the bailiffs.**

Fifteen days after the "final notice" is issued for the May levy, warrants will be produced and issued to the bailiffs for all accounts that are in excess of \$ 1,000. The bailiffs will notify the City of out of business accounts in order that staff can take the appropriate action including collection action if appropriate.

The balance of the outstanding accounts which are less than \$ 1,000 will be forwarded to the collection agency on the "special program".

8. Following the July "special program", a reconciliation of accounts collected and outstanding is computed and the outstanding accounts are redirected to the collection agency for regular collection. At this juncture the collection agency works the accounts until:
 - a) They are collected.
 - b) It is confirmed that the business has ceased operation at this address, thereby requiring a tax appeal.
 - c) The agency recommends legal action and requested permission to proceed with same.
 - d) Alternate payment arrangements (e.g. post-dated cheque) are agreed.
 - e) The agency recommends the account be written off as uncollectible.
9. As accounts are processed through the tax or assessment appeal systems, credits are applied to the accounts in accordance with the direction of the respective authoritative bodies.
10. **Utilize the services of bailiffs to make seizures, if necessary, where the collection agency is unable to enforce collection and the business continues to operate.**
11. As they are approved by City Council credits are applied to the accounts for recommended write offs.

1996 September 6
/TWD

1996 October 1

Minutes of the Special
City Council Meeting
Tuesday, October 1, 1996
7:05 o'clock p.m.
Council Chambers, City Hall

URBAN MUNICIPAL

OCT 3 1996

GOVERNMENT DOCUMENTS

The Council met.

Present: Mayor Robert M. Morrow
Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson,
Eisenberger, Jackson, Charters, Merling, Anderson, Ross.

Absent: Alderman C. Collins, civic business
Alderman F. D'Amico, civic business

Mayor R. M. Morrow called the meeting to order.

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Copps that the Report of the Transport and Environment Committee be now considered in Committee of the Whole with Mayor Morrow in the Chair.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps,
Wilson, Eisenberger, Charters, Jackson, Merling, Anderson, Ross. -15.

NAYS: -0.

CARRIED.

TRANSPORT AND ENVIRONMENT COMMITTEE - THIRTEENTH REPORT

(Pipeline - Kenora Avenue)

Section 1 Re: Pipeline - Kenora Avenue

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli,
Wilson, Eisenberger, Charters, Jackson, Merling, Anderson, Ross. -14.

NAYS: Alderman Copps. -1.

CARRIED.

1996 October 1

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Report of the Transport and Environment Committee be adopted.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Charters, Jackson, Merling, Anderson, Ross. -15.

NAYS: -0.

CARRIED.

* * * * *

City Council then adjourned at 7:10 o'clock p.m.

* * * * *

Taken as read and approved.

Mayor R.M. Morrow

J. J. Schatz, City Clerk
1996 October 1
JJS/dg

REPORT OF THE TRANSPORT AND ENVIRONMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Transport and Environment Committee presents its **THIRTEENTH** Report for 1996 and respectfully recommends:

1. That an application for approval to install and operate a buried pipeline in Kenora Ave North and Brampton Street road allowances to transmit heat energy (hot water) FROM the SWARU facility, (470 Kenora Ave N, Regional Municipality of Hamilton Wentworth, Owner) To a Waste Water Treatment Plant (700 Woodward Ave, Regional Municipality of Hamilton Wentworth, Owner) BE APPROVED, provided:
 - (a) Laidlaw Energy Technologies Limited enters into an agreement (in a form satisfactory to the City Solicitor,) under which,
 - (i) all plans, specifications and drawings for the proposed 8" buried pipeline (the "works"), shall be submitted, filed with and prepared satisfactory to the Commissioner of Public Works & Traffic; and,
 - (ii) all applicable approvals and permits are obtained prior to commencement of the works, including in particular project approvals under the Environmental Assessment Act and the Environmental Protection Act and to provide proof thereof to the Commissioner of Public Works & Traffic; and,
 - (iii) with respect to that portion of the pipeline which will pass through Red Hill Creek, that the pipeline be buried beneath the Creek bed and that, in addition to other approvals referred to herein, all requirements of the Hamilton Region Conservation Authority be fulfilled; and,
 - (iv) in the event the pipeline, in the opinion of the City, is no longer in use, is not operated in compliance with the terms of this agreement, including for example causing damage to the highway or to adjacent lands, Laidlaw shall, at its expense, on notice from the City, rectify the problem; and,
 - (v) Laidlaw shall assume all construction, operating and other costs of the pipeline and shall agree to indemnify the City and save the City harmless from all actions, causes of action, interests, claims, demands, costs, damages, expenses and loss which may arise as a result of the proposed works; and,

- (vi) Laidlaw and its contractor(s) are bonded with the City to undertake excavation works on City roads; and,
- (vii) the following insurance shall be provided to the City:
 - \$10,000,000. Public Liability insurance,
 - \$10,000,000. Environmental Impairment Liability insurance,

Each policy shall name the City, the Region and Laidlaw as additional insured parties with a provision for cross liability; the said insurance limits are minimums and the City may require new limits;

- (viii) the following fees shall be paid to the City: a one time fee of \$252.00 for processing; an annual fee of 10% of 50% of the market value of the land encumbered by the service; and a fee of \$3000.00 for field inspection and quality control; in the event the property occupied by the pipeline is classified as taxable, realty taxes shall also be payable by Laidlaw; and,
 - (ix) that restoration of road allowance be carried out in accordance with applicable OPS Standards; and,
- (b) That the Region enter into the said agreement with the City and Laidlaw to assume and be bound by all obligations of Laidlaw (or its successors) under the said agreement in favour of the City, upon the early termination or expiry of the Region's contract with Laidlaw or in the event Laidlaw does not comply with the said agreement with the City. The Region shall also certify to the City that all applicable approvals and permits, including in particular approvals under the Environmental Assessment Act and the Environmental Protection Act, as they may apply to the City, have been received and shall provide proof thereof to the Commissioner of Public Works & Traffic; and,
 - (c) That the Mayor and City Clerk be authorized to execute the said agreement among the City, Laidlaw and the Region and it shall be registered on title to the streets and the said two premises (SWARU & WWTP) of the Region; and,
 - (d) That Laidlaw become an active member of the Call-BUD locate agency.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Wilson, Eisenberger, Charters, Jackson, Merling, Anderson, Ross. -14.

NAYS: Alderman Copps. -1.

CARRIED.

2. That the following Bill be adopted, signed, sealed and enrolled as a By-law:

A-47

A By-law to Confirm the Proceedings of the Council of The Corporation
of the City of Hamilton

Respectfully Submitted,

Kevin C. Christenson
Secretary

ALDERMAN H. MERLING, CHAIRMAN
TRANSPORT AND ENVIRONMENT COMMITTEE

1996 October 1

1996 October 8

Minutes of Hamilton City Council
Tuesday, 1996 October 8
7:30 o'clock p.m.
Council Chamber, City Hall

URBAN MUNICIPAL

OCT 16 1996

The Council met:

GOVERNMENT DOCUMENTS

Present: Mayor Morrow.
Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson,
Eisenberger, Collins, Jackson, Merling, D'Amico, Ross.

Absent: Alderman B. Charters - City Business
Alderman T. Anderson - Regional Business

Mayor Morrow called the meeting to order.

* * * * *

The National Anthem was played.

* * * * *

Father Stephen Deak, St. Michael Hungarian Greek Catholic Church led Council in prayer.

ADOPTION OF MINUTES

The minutes of the regular meeting held 1996 September 24 and the special meeting held 1996 October 1 were adopted as circulated.

PRESENTATIONS

Mayor R. Morrow and Joanne Bedard, Chair of the Ontario Heritage Foundation presented the Ontario Heritage Foundation's Heritage Community Recognition Award to Robert Brough.

Mr. Myron Karp, Chairman, Hamilton Society of Architects presented the Downtown Ideas Report and Recommendations to Mayor R. Morrow.

CORRESPONDENCE

1. Application dated 1996 September 20 from 583783 Ontario Incorporated, Victor P. Pala, Architect Ltd. Hamilton, Ontario for a further modification to the "E-1" (Multiple Dwellings Lodges, Clubs, etc.) District for 10 Herkimer Street and for a modification to the "E-1" (Multiple Dwellings Lodges, Clubs, etc.) District for 9 and 11 Charlton Avenue.

Received.

2. Letter dated 1996 October 4 from Mr. R. C. Prowse, Regional Clerk for the Regional Municipality of Hamilton-Wentworth respecting a regional council resolution regarding a casino in Hamilton-Wentworth.

Referred to the Finance and Administration Committee.

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Reports of the Transport and Environment Committee, the Planning and Development Committee, the Finance and Administration Committee, and the Committee of the Whole be considered in Committee of the Whole with Alderman Jackson in the chair.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Collins, Jackson, Merling, D'Amico, Ross. -15

NAYS: -0.

CARRIED.

TRANSPORT AND ENVIRONMENT COMMITTEE - FOURTEENTH REPORT

Section 22 Re: Hamilton Bench Advertising Ltd. - placement of benches on city road allowances

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Agro, McCulloch, Drury, Morelli, Wilson, Eisenberger, Collins, Jackson, Merling, D'Amico, Ross. - 13.

NAYS: Aldermen Caplan, Copps. -2.

CARRIED.

* * * * *

Section 23 (b) Re: Angela Avenue - surplus lands

It was moved by Alderman McCulloch and seconded by Alderman Drury that Sub-Section (b) of Section 23 of the Fourteenth Report of the Transport and Environment Committee be amended by deleting the words "a price less than" in the third line. **CARRIED.**

PLANNING & DEVELOPMENT COMMITTEE - SIXTEENTH REPORT

Section 9 Re: Amendment to By-law No. 93-167: To authorize permits and fees

It was moved by Alderman Drury and seconded by Alderman Kiss that Section 9 of the Sixteenth Report of the Planning and Development Committee be referred back.

CARRIED.

FINANCE & ADMINISTRATION COMMITTEE - SIXTEENTH REPORT

COMMITTEE OF THE WHOLE - SIXTH REPORT

RESOLUTION

Purchase and Installation of kitchen equipment for Dundurn Castle

Re: Rule No. 9 - Purchase and Installation of kitchen equipment for Dundurn Castle

It was moved by Alderman Eisenberger and seconded by Alderman Collins that Rule No. 9 of the City's Procedural By-law be invoked for this meeting of City Council in order to permit consideration of a motion respecting the purchase and installation of kitchen equipment for Dundurn Castle. **CARRIED.**

* * * * *

Re: Purchase and Installation of kitchen equipment for Dundurn Castle

It was moved by Alderman Eisenberger and seconded by Alderman Collins that Section 4 of the Thirteenth Report of the Parks and Recreation Committee for 1996 which was adopted by City Council at its meeting held 1996 September 24 respecting the purchase and installation of kitchen equipment for Dundurn Castle, be rescinded and replaced with the following:

- "(a) That a Purchase Order be issued to Niagara Restaurant Supply Limited, St. Catharines in the amount of \$56,292.80 plus all applicable taxes, for the supply, delivery and installation of kitchen/restaurant equipment for Dundurn Castle Stable Restaurant/Conference Centre, being the lowest acceptable of seven (7) tenders received in accordance with specifications issued by Purchasing and Vendor's tender and be financed through Account No. CF719441022, Dundurn Castle Restoration, Final Phase; and,
- (b) That staff be authorized to expend \$7,000 in contingency to cover installation and hookups of equipment and other unforeseen circumstances; these expenditures are to be pre-

authorized by the Director of the Culture and Recreation Department; and,

- (c) That the total amount of \$63,292.80 plus applicable taxes be charged to Account No. CF719441022."

CARRIED.

RESOLUTION

Helicopter landing in Pier 4 Park/Brian Timmis Stadium

Re: Rule No. 9 - Helicopter landing

It was moved by Alderman Eisenberger and seconded by Alderman Collins that Rule No. 9 of the City's Procedural By-law be invoked for this meeting of City Council in order to permit consideration regarding permission to land a helicopter in Pier 4 Park and/or Brian Timmis Stadium.

CARRIED.

* * * * *

Re: Helicopter landing at Pier 4 Park/Brian Timmis Stadium

It was moved by Alderman Eisenberger and seconded by Alderman Collins that the following recommendation be approved:

1. That approval as required by Parks By-Law 95-126, Section 23 be given to the National Helicopter Inc. to land a helicopter in Pier 4 Park and/or Brian Timmis Stadium as part of the site inspection visits by Canada Games Officials, subject to the following terms and conditions:
 - a) That proof of insurance be provided in the amount of \$10 million for Comprehensive General Liability, Property Damage, Bodily Injury and subject to cross-liability and severability provisions, naming the City and The Ministry of Citizenship, Culture and Recreation, and the City of Brantford as additional insured; and,
 - b) That requirements as identified by Transport Canada are met.
 - c) That the applicant assume responsibility for all labour charges associated with the event (set-up, dismantling, clean-up, etc.)

- d) That special duty officers as deemed necessary by the Hamilton-Wentworth Regional Police, be provided at the applicant's expense.
- e) That the terms and conditions be reviewed and monitored by the Special Events/Festival Advisory Team. **CARRIED.**

RESOLUTION
Local Government Restructuring

Re: Rule No. 9 - Local Government Restructuring

It was moved by Alderman Wilson and seconded by Alderman Eisenberger that Rule No. 9 of the City's Procedural By-law be invoked in order to permit consideration of a resolution respecting the City of Hamilton position on Local Government Restructuring. **CARRIED.**

* * * * *

Re: Local Government Restructuring

It was moved by Alderman Wilson and seconded by Alderman Eisenberger that the City of Hamilton confirm its decision of June 6th 1996 with respect to Municipal Reform and Reject the Regional Council position on restructuring of October the 1st 1996. Additionally we ask that the Minister of Municipal Affairs take action towards the implementation of the City of Hamilton's one tier position. **CARRIED.**

* * * * *

Re: Local Government Restructuring

It was moved by Alderman Eisenberger and seconded by Alderman Agro that the motion respecting Local Government Restructuring be amended by adding the following after the word "Reform" in the second line - "with the exception of the year of implementation referred to in sub-section (e) being changed from the year 2000 to "prior to the next municipal election", in order that the following be the City of Hamilton position on Local Government Restructuring:

- (a) amalgamated tax base
- (b) representation by population - approximately 20,000 people per Ward

- (c) amalgamation of all area municipalities into the City of Hamilton
- (d) eliminate the Region and devolve all staff and services into the City of Hamilton
- (e) final implementation prior to the next municipal election.

Recorded vote on amendment.

YEAS: Mayor Morrow, Aldermen Caplan, Agro, McCulloch, Drury, Wilson, Eisenberger, D'Amico, Ross. -9.

NAYS: Aldermen Kiss, Morelli, Copps, Collins, Jackson, Merling. -6. **CARRIED.**

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Recorded vote on amended resolution.

YEAS: Mayor Morrow, Aldermen Caplan, Agro, McCulloch, Drury, Wilson, Eisenberger, D'Amico, Ross. -9.

NAYS: Aldermen Kiss, Morelli, Copps, Collins, Jackson, Merling. -6. **CARRIED.**

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Resolution as amended.

That the City of Hamilton confirm its decision of June 6th 1996 with respect to Municipal Reform, with the exception of the year of implementation referred to in subsection (e) being changed from the year 2000 to "prior to the next municipal election", and reject the Regional Council position on restructuring of October the 1st 1996, in order that the following be the City of Hamilton position on Local Government Restructuring:

- (a) amalgamated tax base
- (b) representation by population - approximately 20,000 people per ward
- (c) amalgamation of all area municipalities into the City of Hamilton
- (d) eliminate the Region and devolve all staff and services into the City of Hamilton
- (e) final implementation prior to the next municipal election

Additionally we ask that the Minister of Municipal Affairs take action towards the implementation of the City of Hamilton's one tier position.

RESOLUTION
5% Land Dedication

Re: 5% Land Dedication

It was moved by Alderman Jackson and seconded by Alderman Eisenberger that Section 11 of the Thirteenth Report for 1996 of the Finance and Administration Committee approved by City Council at its meeting held Tuesday, 1996 July 9, respecting the 5% Land Dedication, reading as follows be now reconsidered.

11. (a) That the City Solicitor be authorized and directed to prepare an amendment to By-law No. 84-252 to allow land to be developed for the purpose of a single family dwelling where land in the amount equal to 5% of the area to be developed, or cash equivalent, has not been conveyed to the City where the building permit has been applied for between 1996 July 10 and 1997 July 11 and the building permit has been issued by 1997 August 1; and,
- (b) That the Building Commissioner be authorized and directed to refund to the building permit applicant the equivalent to the 5% land dedication collected by the City under Section 51.1 and 53 of The Planning Act, if
- (i) the lot being developed is in a plan of subdivision registered before 1997 July 11; and,
 - (ii) the building permit is applied for between 1996 July 10 and 1997 July 11; and,
 - (iii) the building permit is actually issued by the close of business day of the Building Department on 1997 August 1; and,
 - (iv) the proposed building is only a detached single family dwelling as defined by Zoning Bylaw No. 6593.
- CARRIED.**

Recorded vote.

YEAS: Aldermen Kiss, Caplan, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Collins, Jackson, Ross. -11.

NAYS: Mayor Morrow, Aldermen Merling, D'Amico. -3. **CARRIED.**

It was moved by Alderman Jackson and seconded by Alderman Eisenberger

- a) That Section 11 of the Thirteenth Report of the Finance and Administration Committee for 1996 be referred to a Special Committee of the Whole Meeting to be held prior to the next regular meeting of City Council scheduled for 1996 October 29; and,
- b) That staff be directed to provide a report at the special Committee of the Whole Meeting on the impact of the 5% Land Dedication Policy to date as well as potential future impacts.

NOTICE OF MOTION FROM PREVIOUS MEETING
Casino in Hamilton

Re: Provincially run casino in Hamilton

It was moved by Alderman Ross and seconded by Alderman D'Amico that

WHEREAS, the City of Hamilton has passed a Motion November 14, 1995, asking the Province to designate Hamilton as a site for a Provincially-run Casino,

WHEREAS, the Province has stated they require a Referendum showing a majority of the people in a Municipality want a Casino,

THEREFORE, the City place the following question on the ballot for the next General Municipal Election:

"DO YOU AGREE TO A PROVINCIALY RUN CASINO IN THE CITY OF HAMILTON?"

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Eisenberger, Collins, Jackson, Merling, D'Amico, Ross. -13.

NAYS: Aldermen Copps, Wilson. -2.

CARRIED.

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Report of the Committee of the Whole on the Reports of the Transport and Environment Committee, the Planning and Development Committee, the Finance and Administration Committee, the Committee of the Whole, and resolutions be adopted.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Collins, Jackson, Merling, D'Amico, Ross. -15

NAYS: -0.

CARRIED.

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City Council then adjourned at 10:35 o'clock p.m.

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Taken as read and approved.

MAYOR R. M. MORROW

J. J. Schatz
1996 October 8
JJS/dg

REPORT OF THE TRANSPORT AND ENVIRONMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Transport and Environment Committee presents its **FOURTEENTH** Report for 1996 and respectfully recommends:

1. (a) That the Commissioner of Transportation be directed to prepare a By-law to stop up, close and sell the road allowance of Cathcart Street, from 13.0m south of Barton Street, southerly to the existing chain link fence, 38.5m north of Robert Street; and,
- (b) That the Commissioner of Transportation be authorized to make application to the Regional Municipality of Hamilton-Wentworth for approval of the proposed closing, pursuant to Section 44 of the Regional Municipality Act R.S.O. 1990; and,
- (c) That the Applicant, prepare and register a reference plan under the Registry Act; said plan to be prepared by an Ontario Land Surveyor, to the satisfaction of the Regional Surveyor, and that it delineate the manner in which the proposed closed portion is to be distributed to the abutting owners and that the applicant deposit a reproducible copy of said plan, with the Regional Surveyor; and,
- (d) That the applicant provide an easement to the Region for two existing 0.91m x 1.21m box sewers in the proposed closure area; and,
- (e) That the City Clerk be directed to publish a notice of City Council's intention to pass the By-law, pursuant to Section 301 of the Municipal Act, R.S.O. 1990; and,
- (f) That the City Solicitor be authorized to make an application to a District Court Judge under Section 88 of the Registry Act, R.S.O. 1990, for an order to stop-up, close and sell the first unassumed east/west alley south of Barton Street, from Cathcart Street easterly for 13.79m; and,
- (g) That the Commissioner of Transportation be directed to sign an affidavit setting out that no public funds have been expended on the portion of alleyway to be closed; and,

- (h) That the documentation regarding the application to the District Court Judge be prepared by the applicant, to the satisfaction of the City of Hamilton Law Department; and,
- (i) That the Applicant, prepare and register a reference plan under the Registry Act; said plan to be prepared by an Ontario Land Surveyor, to the satisfaction of the Regional Surveyor, and that it delineate the manner in which the proposed closed portion is to be distributed to the abutting owners and that the applicant deposit a reproducible copy of said plan, with the Regional Surveyor; and,
- (j) That the Commissioner of Transportation be authorized to make application to the Regional Municipality of Hamilton-Wentworth for approval of the proposed closing, pursuant to Section 44 of the Regional Municipality Act; and,

Provided the Judge's Order to close the public unassumed alleyway is granted:

- (k) That the Commissioner of Transportation be directed to prepare a by-law for the sale of the closed alleyway to the abutting owner; and,
 - (l) That the City Clerk be directed to publish a notice pursuant to Section 301 of The Municipal Act, R.S.O. 1990, of the City's intention to pass the By-law; and,
 - (m) That the Director of Property be authorized to proceed with the disposition of the subject lands to the abutting owners.
-
- 2. That a "No Parking" regulation be implemented on the south side of Morley Street commencing at Lampton Place and extending to a point 58 feet westerly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly.
 - 3. That the existing "Alternate Side Parking" regulation on Tisdale Street North between King William Street and Wilson Street be replaced with a "No Parking" regulation on the east side and unrestricted parking on the west side and that the City Traffic By-law No. 89-72 be amended accordingly.
 - 4. That the by-law entry allowing for a "Wheelchair Loading Zone, 24 hours a day, seven days a week" regulation on the east side of West 2nd Street commencing at a point 141 feet south of South Bend Road West and extending to a point 23 feet southerly therefrom be rescinded.

5. That a "No Parking" regulation be implemented on the east side of Warren Avenue commencing at Wingate Place and extending to a point 100 feet northerly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly.
6.
 - (a) That a "Permit Parking" regulation be implemented on the north side of Francis Street commencing at a point 68 feet west of Douglas Street and extending to a point 20 feet westerly therefrom, and on the south side of Francis Street commencing at a point 106 feet west of Douglas Street and extending to a point 17 feet westerly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly; and,
 - (b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Mrs. Florence Forbes, No. 37 Francis Street.
7. That a "Commercial Vehicle Loading Zone, 8:00 a.m. to 6:00 p.m., Monday to Saturday" regulation be implemented on the south side of Augusta Street commencing at a point 32 feet east of John Street South and extending to a point 15 feet easterly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly.
8.
 - (a) That a "Permit Parking" regulation be implemented on the north side of Kinnell Street commencing at a point 178 feet west of Inchbury Street and extending to a point 18 feet westerly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly; and
 - (b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Ms. Elizabeth Howe, No. 14 Kinnell Street.
9. That the existing "Permit Parking" regulation on the west side of William Street commencing at a point 216 feet south of Birge Street and extending to a point 23 feet southerly therefrom be removed and that the City Traffic By-law No. 89-72 be amended accordingly.
10.
 - (a) That a "Permit Parking" regulation be implemented on the west side of Balsam Avenue South commencing at a point 189 feet north of Afton Avenue and extending to a point 16 feet northerly therefrom, and on the east side of Balsam Avenue South commencing at a point 174 feet north of Afton Avenue and extending to a point 19 feet northerly therefrom, and that the City Traffic By-law 89-72 be amended accordingly; and,

- (b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Ms. Bonnie Llewellyn, No. 198 Balsam Avenue South.
- 11. That a "One Hour Parking Time Limit, 8:00 a.m. to 6:00 p.m., Monday to Friday" regulation be implemented on the west side of East 36th Street between Crockett Street and Munn Street and that the City Traffic By-law No. 89-72 be amended accordingly.
 - 12.
 - (a) That a "One Hour Parking Time Limit, 8:00 a.m. to 6:00 p.m., Monday to Friday" regulation be implemented on both sides of Robert Street between West Avenue North and Victoria Avenue North; and,
 - (b) That a "No Stopping" regulation be implemented on the north side of Robert Street commencing at West Avenue North and extending 42 feet westerly therefrom and on the south side of Robert commencing at West Avenue North and extending 42 feet easterly therefrom; and,
 - (c) That the City Traffic By-law No. 89-72 be amended accordingly.
 - 13. That a "No Parking" regulation be implemented on the west side of Hillview Street between Ainslie Avenue and the southerly end and that the City Traffic By-law 89-72 be amended accordingly.
 - 14. That southbound traffic on Norfolk Street South, Thorndale Street South and Hollywood Street South be required to stop for eastbound and westbound traffic on Glenmount Avenue and that the City Traffic By-law No. 89-72 be amended accordingly.
 - 15.
 - (a) That northbound traffic on Banff Drive be required to stop for eastbound and westbound traffic on Muir Avenue; and,
 - (b) That eastbound traffic on Michael Avenue be required to stop for northbound and southbound traffic on Palmer Road; and,
 - (c) That the City Traffic By-law No. 89-72 be amended accordingly.

16. That the application of Rod MacDonald, General Manager of Waterjet Machining Inc., No. 44 Munroe Street, to lease a portion of the south boulevard of Munroe Street adjacent to No. 44 Munroe Street, be approved, provided that:
 - (a) the applicant pays the annual fee in accordance with the fee structure approved by the City Council on 1986 March 26 (current annual rate is \$62.40 per space for the first two spaces and \$33.21 per space for any additional spaces per year) plus taxes, if any, in addition to the \$10 encroachment insurance charge approved by the City Council on 1984 February 14; and,
 - (b) the owner pays a one-time \$50 registration fee, as approved by the City Council on 1986 January 14; and,
 - (c) the owner pays a one-time \$219.56 processing fee (including G.S.T.), as approved by the City Council on 1988 January 12; and,
 - (d) the owner complies with the requirements as set out in the policy approved by the City Council on 1975 June 24, respecting using a portion of road allowance for parking purposes; and,
 - (e) the driveway approach, parking area and other structures, as approved by the Commissioner of Public Works and Traffic, be constructed and maintained at the owner's expense; and,
 - (f) the owner executes an agreement satisfactory to the City Solicitor, to indemnify and save the City harmless from actions, causes of action, interest, claims, demands, costs, damages, expenses and loss.
17. That a School Crossing Guard be assigned to Lawrence Road at Bettina Avenue during the morning and evening school crossing periods only, on a permanent basis.
18. (a) That the following City land be incorporated into the following streets:

Lane north of Main Street	Part 1 on 62R-12903
and east of Dundurn Street	Part 3, 62R-11902
Donn Avenue	Part 4, 62R-11902
Berkindale Drive	Blocks 31 and 33, 62M-745
Locheed Drive	Block 11, 62M-777
Embassy Drive	Block 30, 62M-745; and,
Racalmuto Street	

- (b) That the By-laws to carry out the incorporation of the said land into the foregoing streets be enacted by Council; and,
 - (c) That the Commissioner of Transportation be authorized and directed to register the By-laws.
19. That Section 1 of the Third Report of the Transport and Environment Committee for 1992 adopted by City Council on Tuesday, 1992 February 11, for the approval of Schedules for "Gagliano Gardens Addition", be rescinded and replaced with the following:
- (a) That the submitted schedules of works be adopted for inclusion in the Subdivision Agreement with the Owner for the estimated costs of services in "Gagliano Gardens Addition", Hamilton, City's Share, \$85,575 Owner's Share, \$190,935 be approved and that the amount of \$85,575 be financed from Account Centre No. 00107 - Reserve for Services Through Unsubdivided Lands; and,
 - (b) That the Mayor and City Clerk be authorized and directed to execute the proposed Subdivision Agreement with the Owner of "Gagliano Gardens Addition", Hamilton as well as and any other related documents for this Subdivision subject to the approval of the City Solicitor; and,
 - (c) That the approval of the above-noted clauses be subject to the condition that no work be commenced until the Final Plan and Subdivision Agreement have been registered; and,
 - (d) In the event that the owner wishes to proceed prior to the registration of the Final Plan and Subdivision Agreement being registered he should be allowed to do so at their own risk provided that he enter into a standard agreement with the City of Hamilton for pre-servicing; and,
 - (e) That the City's share of services in "Orchard Park Estates - Phase 1", previously approved in the amount of \$223,424, be increased to a total of \$246,224 and that the additional amount of \$22,800 be financed from Account Centre No. 00107 - Reserve for Services Through Unsubdivided Lands.
20. That the application of the Hamilton Christadelphian Church, owner of No. 20 West Avenue North, to erect and maintain the encroachment of concrete steps encroaching by approximately 1.0m x 2.2m onto the West Avenue road allowance be approved, during the pleasure of Council, provided:

- (a) That the owner enter into agreements satisfactory to the City Solicitor and Commissioner of Transportation to indemnify and save the City harmless from all actions, causes of action, interests, claims, demands, costs, damages, expenses and loss; and,
 - (b) That the Mayor and City Clerk be authorized to execute the City's standard form of agreement; and,
 - (c) That the applicant pay a first year fee of \$252 and a subsequent annual fee of \$20 as outlined in the encroachment agreement.
21. (a) That the subdivider of Wisemount Estates Phase 6 be required to modify the approved construction plans to construct the 1.5 metre sidewalks adjacent to the curb and eliminate the 1.0 metre boulevard within this plan of subdivision; and,
- (b) That the City's share of the modification to construct the 1.5 metre sidewalks adjacent to the curb and eliminate the 1.0 metre boulevard within the plans of the subdivision of Wisemount Estates Phase 6, at an estimated cost of \$6,000, be financed from Account Centre No. 00107 - Reserve for Services Through Unsubdivided Lands.
22. That Hamilton Bench Advertising Limited (No. 585 Main Street East, Hamilton, L8M 1J4) be permitted to place advertising benches on City Road Allowances for a ten year period, with revenue to the City of Hamilton, credited to Unclassified Revenue Account Centre 75001 for the following amounts exclusive of GST:

The greater of:

- (a) An annual fee of \$70 per advertising face per year or
- (b) 5% of the advertising revenue per year

subject to the following conditions:

- (i) That an Agreement be entered into between the City of Hamilton and Hamilton Bench Advertising Limited in a form satisfactory to the City Solicitor; and,
- (ii) That the applicant provide an alphabetical street name inventory, defining where all benches are placed on the road allowance; and,
- (iii) That the applicant provide, at the time of each annual payment, a map indicating the location of each bench; and,

- (iv) That the applicant provide \$5,000,000 public liability insurance, naming the City as an added insured party, and saving the City harmless from all action, interests, claims, demands, costs, damages, expenses, and loss; and,
- (v) That the Mayor, City Clerk and Treasurer be authorized and directed to execute the Agreement on behalf of the City; and,
- (vi) That no benches with advertising be placed in the City of Hamilton's "Downtown Area" bounded by and including Main Street and Wilson Street, and Bay Street and Wellington Street; however such restriction shall not apply to benches for charitable organizations or for benches without advertising; and,
- (vii) That no benches with advertising be placed at bus stops with transit shelters where advertising is on the transit shelter; however such restriction shall not apply to benches for charitable organizations or for benches without advertising; and,
- (viii) That the applicant be permitted to install a maximum of 500 large benches with advertising faces and 500 small benches with no advertising at locations determined by the following criteria:
 - (1) No bench shall be placed in such a manner as to obstruct pedestrian traffic and in no case shall it be placed on a sidewalk having a width of 2.0m or less; and,
 - (2) No bench shall be placed within 6.0m of any fire hydrant; and,
 - (3) No bench shall be placed so as to interfere with or obstruct any street maintenance operation, and in no case shall a bench be within 11.0m of a bus stop during the months of December to April inclusive; and,
 - (4) Benches shall not be installed until prior approval of each bench location is received from the Commissioner of Transportation (Region), and in all commercial areas, benches shall not be installed without first obtaining the approval of the Neighbourhood Business Association. All benches shall be maintained to the satisfaction of the Commissioner of Transportation (Region); and,
- (ix) The Applicant shall make available to the City 5% of the benches for local service organizations who will be responsible for the cost of the artwork only; and,
- (x) That the bench supplier will be responsible for the timely and effective removal of garbage from any litter containers that are integral with their benches; and,

- (xi) That failure to remove garbage from the litter containers in a timely and effective manner will result in the garbage removal by the Department of Public Works and Traffic and all costs associated with this action will be recovered from the bench supplier.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Agro, McCulloch, Drury, Morelli, Wilson, Eisenberger, Collins, Jackson, Merling, D'Amico, Ross. - 13.

NAYS: Aldermen Caplan, Copps. -2.

CARRIED.

- 23. (a) That the unopened portion of Angela Avenue west of Scenic Drive be declared surplus to the requirements of the City in accordance with Realty Sales Procedural By-law No. 95-049, for the purpose of selling the property; and,

- (b) That the Finance and Administration Committee be requested to consider directing staff to negotiate the sale of the complete subject parcel to the abutting owners at fair market value. **AMENDED.**

- 24. That the following Bills be adopted, signed, sealed and enrolled as By-laws:

- (a) A-48 A By-law to Amend By-law No. 89-72 to Regulate Traffic
- (b) A-49 A By-law to Amend By-law No. 89-72 to Regulate Traffic
- (c) A-50 A By-law to Incorporate City Land Designated as Block 30 on Plan 62M-745 into Racalmuto Street
- (d) A-51 A By-law to Incorporate City Land Designated as Part 1 on Plan 62R-12903 into the Lane on Registered Plan 166
- (e) A-52 A By-law to Incorporate City Land Designated as Part 4 on Plan 62R-11902 into Berkindale Drive
- (f) A-53 A By-law to Incorporate City Land Designated as Part 3 on Plan 62R-11902 into Donn Avenue
- (g) A-54 A By-law to Incorporate City Land Designated as Block 11 on Plan 62M-777 into Embassy Drive

- (h) A-55 A By-law to Incorporate City Land Designated as Block 31 and 33 on Plan 62M-745 into Lockheed Drive

Respectfully Submitted,

Kevin C. Christenson
Secretary

ALDERMAN H. MERLING, CHAIRMAN
TRANSPORT AND ENVIRONMENT COMMITTEE

1996 September 30

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Planning and Development Committee presents its **SIXTEENTH** Report for 1996 and respectfully recommends:

1. (a) That approval be given in principle to the Gore Heritage Design Study to improve the architectural streetscape of the Gore (King St. East from James St. to Catharine St.); and,
- (b) That the Planning and Development Department in conjunction with other departments, as appropriate, be authorized to prepare implementation of initiatives identified in the Gore Heritage Design Study.
- 2.A. (a) That approval be given to Subdivision Application 94-04 Starward Homes Ltd. & Ward Campbell/Brian Morison, owners, for a draft plan of subdivision "Orchards North", for lands located south of the proposed mountain freeway and west of West Fifth Street and north of Chester Avenue, comprising of 45 lots for single family dwellings, 51 lots for small lot single family dwellings, 12 lots for quattroplexes (fourplexes) and 22 lots for small lot interlink single family dwellings, and various blocks to be developed in conjunction with the adjacent lands in the Gourley Neighbourhood, under Regional File 25T-94012, subject to the following conditions:
 - (i) That this approval apply to the plan, as revised in red, prepared by A.J. Clarke and Associates and certified by B.J. Clarke O.L.S., dated December 8, 1994, and revised in red, showing 45 lots for single family dwellings, 51 lots for small lot single family dwellings, 12 lots for quattroplexes (fourplexes), 22 lots for small lot interlink single family dwellings, and 9 blocks to be developed with adjoining lands (Blocks 131 - 133 inclusive and Blocks 135 - 138 inclusive), 1 block to be developed upon construction of the road adjacent the block and the school site (Block 134) and 1 Block for Freeway widening (Block 139), as shown on the attached map marked as Appendix "A"; and,
 - (ii) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot, each block and the gross area of the Subdivision in the Final Plan; and,

- (iii) That the final plan conform with the Zoning By-law approved under the Planning Act; and,
- (iv) That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton as provided for under section 51 of the Planning Act; and,
- (v) That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement, prior to the issuance of a final release by the City of Hamilton; and,
- (vi) That the streets be named to the satisfaction of the City of Hamilton; and,
- (vii) That the owner prepare a municipal street numbering plan to the satisfaction of the Director of Planning and Development; and,
- (viii) That Lots 129 and 130 not be developed until the adjacent lands of this plan have been registered under a plan of subdivision or alternatively, that the owner acquire the necessary lands to extend the roadway for each lot to Chester Avenue and that these lands be conveyed to the City by reference plan and deed; and,
- (ix) That the owner submit a typical utility service and driveway layout for the proposed quattroplex lots (Lots 8-16 inclusive and 105, 109 & 113) for approval by the Regional Environment Department, prior to registration of the final plan of subdivision; and,
- (x) That the owner convey the necessary lands to the City to establish the road allowance on Brigadoon Drive, adjacent to the flankage of Lot 33, to its full width of 20.0 metres prior to registration of the final plan of subdivision; and,
- (xi) That the owner convey the necessary lands to the City to establish the cul-de-sac bulb on Street "A", to the satisfaction of the Commissioner of Transportation, adjacent to Lots 72 to 78 (inclusive) to its full width (15.0 metre radius) prior to registration of the final plan of subdivision; and,
- (xii) That the owner acquire the necessary lands to establish the road allowance adjacent to Block 134 to its full width of 20.0 metres prior to registration of the final plan of subdivision; and,

- (xiii) That the centerline radius of the road allowance for Brigadoon Drive adjacent to Lots 35 to 38 (inclusive) of the proposed draft plan of subdivision be designed and constructed to the satisfaction of the Commissioner of Transportation at this location; and,
- (xiv) That the owner provide 9.0 metre radius transitional curves on both ends of the bulb on Street "B" adjacent to Lots 17 and 22 of the proposed draft plan of subdivision; and,
- (xv) That the owner establish a 3.0 x 3.0 metre daylight triangle on the corner of Lot 115 of the proposed draft plan of subdivision; and,
- (xvi) That the owner establish a 1.0 x 1.0 metre daylight triangle on the corner of Lots 25, 102 and 116; and,
- (xvii) That the owner establish 0.30 metre reserves along the open side of the road allowance on Street "A" and Brigadoon Dive and at the dead-end of the road allowance on Street "B"; and,
- (xviii) That Street "C" be revised in accordance with the revision to the road design through the adjacent draft approved plan of subdivision "Fontana Gardens" whereby the centreline radius is to be increased to a minimum of 200.0 m with a minimum tangent of 30.0 m between the two horizontal curves; and,
- (xix) That, on a temporary basis, the maximum number of residential units proposed on this and/or any abutting development plan, to be serviced by a single road access (eg dead end street), will not exceed 100 units; and,
- (xx) That the owner provide documentation that the standard roadway cross-section, utilities and municipal sidewalks, etc., for a 20.0 m road allowance, can be installed on both sides of Street "A" and Street "B", proposed at 18.0 m width to the satisfaction of the Manager of Development, Regional Environment Department; and,
- (xxi) That such easements as may be required for utility and drainage purposes be granted to the appropriate authority; and,
- (xxii) That Blocks 131 - 134 inclusive and Blocks 135 - 138 inclusive, on the red-line revised plan, must be developed in conjunction with adjacent lands; and,

- (xxiii) That the lot fabric of the final plan of subdivision conform to the road pattern as shown on the approved neighbourhood plan; and,
 - (xxiv) That the owner enter into a subdivision agreement with the City of Hamilton prior to the development of any portion of these lands; and,
 - (b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (SAC-94-04/25T-94012) Starward Homes Ltd. & Ward Campbell and Brian Morison, owners, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council; and,
 - (c) That the Regional Commissioner of Environment be advised that the City of Hamilton requests that the adjacent Draft Approved plan of Subdivision "Fontana Gardens" (Regional File No. 25T-88016) be revised to reflect the revised neighbourhood road pattern and that the lotting pattern be amended accordingly. In addition, it is requested that the conditions of draft approval be amended to require that the applicant construct Chelsey Street where it abuts the draft plan of subdivision to the satisfaction of the Regional Commissioner of Environment; and,
 - (d) That the City Clerk be directed to advise the Commissioner of the Regional Environment Department of Council's decision.
- B. (a) That Zoning Application ZAC-94-32, Starward Homes Ltd. & Ward Campbell/Brian Morison owners, requesting a change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single Family Dwelling) District (Blocks "1", "3", and "9"); "DE" (Multiple Dwellings) District, modified, (Block "2"); "C" (Urban Protected Residential, etc.) District (Blocks "4", "10" and "11"); and, "R-4" (Small Lot Single Family Dwelling) District (Blocks "5", "6", "7" and "8"), for lands located south of the proposed mountain freeway and west of West Fifth Street and north of Chester Avenue, as shown on the attached map marked Appendix "B", be approved on the following basis:
- (i) That Blocks "1", "3", and "9" be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single Family Dwelling) District; and,
 - (ii) That Block "2" be rezoned from "AA" (Agricultural) District to "DE" (Multiple Dwellings) District; and,

- (iii) That Blocks "4", "10" and "11" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District; and,
- (iv) That Blocks "5", "6", "7" and "8" be rezoned from "AA" (Agricultural) District "R-4" (Small Lot Single Family Dwelling) District; and,
- (v) That the "DE" (Multiple Dwellings) District, as contained in Section 10A of Zoning By-law No. 6593, applicable to Block "2", be modified to include the following variances as special requirements:
 - (a) That notwithstanding Section 10A.(1) of Zoning By-law No. 6593, only the following use shall be permitted:
 - (1) a quattroplex dwelling
 - (b) That notwithstanding Section 10A.(2) of Zoning By-law No. 6593, no building or structure shall exceed 2.0 storeys in height; and,
 - (c) That notwithstanding Section 10A.(3) of Zoning By-law No. 6593, the following shall apply:
 - (1) Minimum Front Yard
 - (a) A front yard of a depth of at least 16.0 m; and,
 - (b) For a through lot where the private outdoor amenity area is provided in the front yard, a front yard depth of at least 11.0 m; and,
 - (c) For a through lot where the private outdoor amenity area is provided in the side yard, a front yard depth of at least 6.0 m; and,
 - (d) For a through lot where a garage faces a front yard, the minimum setback to the front of the garage shall be 6.0 m; and,
 - (2) Minimum Rear Yard
 - (a) A rear yard of a depth of at least 6.0 metres; and,

- (3) Minimum Side Yard
 - (a) For the two dwelling units closest to the front lot line, a minimum side yard along each side lot line, of a width of at least 3.0 m; and,
 - (b) For the two dwelling units closest to the rear lot line, a minimum side yard along each side lot line, of a width of at least 1.2 m; and,
 - (c) For a through lot a minimum side yard along each side lot line of a width of at least 1.2 m; and,
 - (d) That notwithstanding Section 10A.(4) of Zoning By-law No. 6593, the following shall apply:
 - (1) each quattroplex dwelling on a lot shall have a lot area not less than 800.0 m² and a width of not less than 20.0 m; and,
 - (2) each quattroplex dwelling on a through lot shall have a lot area not less than 880.0 m² and a width of not less than 22.0 m; and,
 - (e) That notwithstanding Section 10A.(5) of Zoning By-law No. 6593, the following shall apply:
 - (1) not less than 45% of the area of the lot shall be used for landscaped area; and,
 - (2) each dwelling unit shall be provided with a private outdoor amenity area; and,
 - (3) an externally accessible storage shed, having a minimum gross floor area of 2.0 m² and a maximum height of 2.25 m, shall be incorporated into the amenity area for each dwelling if no garage is provided; and,
 - (f) That in addition to the requirements of Section 18A. of Zoning By-law No. 6593, the following shall apply:

- (1) Each dwelling unit in a quattroplex dwelling shall be provided with a minimum of two parking spaces; and,
 - (2) The required parking spaces for each dwelling unit may be stacked; and,
 - (3) A parking space shall be a rectangular area having a minimum, unobstructed width of 2.7 m and a minimum unobstructed length of 5.4 m; and,
 - (4) For interior lots each parking area shall be provided with bumpers or wheel barriers to prevent physical encroachment beyond the parking area except at the entrance to and exit from the parking area; and,
 - (5) The minimum width of a driveway shall be 2.8 m and the maximum width shall be 5.5 m; and,
 - (6) The maximum number of driveways on a lot shall not exceed 4; and,
 - (7) No driveway shall be located closer than 0.8 m to another driveway and no closer than 0.4 m to a side lot line; and,
 - (8) Section 18.(14) of Zoning By-law No. 6593 shall not apply; and,
 - (9) Section 18A.(14a) of Zoning By-law No. 6593 shall not apply; and,
- (g) Notwithstanding Section 18.(3)(d) of Zoning By-law No. 6593, the following provisions shall apply:
- (1) A roofed-over but otherwise unenclosed porch may project a maximum of 2.0 m into the front yard; and,

- (2) roofed-over but otherwise unenclosed porch for the two dwelling units closest to the rear lot line shall be permitted in the side yard provided that the porch is located a minimum of 1.2 m from the side lot line; and,
- (h) For the purpose of Subsection (e)(v)(a), the following shall apply:
 - (1) **Dwelling, Quattroplex** shall mean a building not more than one single family dwelling in height, designed to contain four dwelling units, attached to each other, side by side, in two rows arranged back to back and in substantial harmony with each other, each of which dwelling units,
 - (a) has a separate front entrance; and,
 - (b) is joined on one side by a party wall to another dwelling unit in the same row; and,
 - (c) is joined by a common vertical back wall; and,
 - (i) For the purpose of Subsection (e)(v)(e), the following provisions shall apply:
 - (1) Private Outdoor Amenity Area shall mean a landscaped open space area abutting a dwelling unit, having a minimum area of 30.0 square metres, excluding any area occupied by an accessory shed, and a minimum width and depth of 4.5 metres, which may be located in any yard provided it is a minimum distance of 11.0 metres from the front lot line, and a minimum distance of 5.5 metres from any street for a through lot; and,
 - (2) The private amenity outdoor area for each dwelling unit shall be enclosed by a visual barrier having a minimum

height of 1.8 metres and a maximum height of 2.0 metres; and,

- (j) That notwithstanding Section 18(4)(iv) of Zoning By-law No. 6593, the following shall apply:
 - (1) An accessory shed is permitted in any required yard, provided that the accessory shed is located in the Private Outdoor Amenity Area and is a minimum of 0.45 m from the side lot line and rear lot line; and,
- (k) That notwithstanding Section 6.(19) of Zoning By-law No. 6593, the following shall apply:
 - (1) Notwithstanding any other provision of this By-law, no residential structure be located closer than 17.5 m from the Mountain Freeway right-of-way; and,
 - (2) Notwithstanding any other provision of this By-law, no structure shall be located within 10 m of the limits of the Mountain Freeway.
- (vi) That the "R-4" (Small Lot Single Family Dwelling) District regulations as contained in Section 9A of Zoning By-law No. 6593, applicable to Blocks "5", "6", "7" and "8", be modified to include the following variances as special requirements:
 - (a) That notwithstanding Section 9A(1) of Zoning By-law No. 6593, only the following use shall be permitted:
 - (1) A single family dwelling; and,
 - (b) That notwithstanding Section 9A.(2)(a) of Zoning By-law No, 6593, the following shall apply:
 - (1) No building or portion of a building shall exceed 1 storey and 4.5 metres in height for that portion of the building located within 3.5 metres or less of any rear lot line; and,
 - (c) That notwithstanding Section 9A.(2)(b)(1)(i) of Zoning By-law No. 6593, the following shall apply:

- (1) A front yard having a depth of not less than 3.5 m to the main wall of the dwelling; and,
- (2) A front yard having a depth of not less than 7.0 m to the garage or carport where the lot fronts onto a 18.0 m road allowance; and,
- (d) That notwithstanding Section 18A.(1)(e) of Zoning By-law No. 6593, a manouvering space having a unobstructed width of 2.7 m and a minimum unobstructed length of 7.0 m shall be provided and maintained; and,
- (e) That in addition to the requirements of Section 9A.(2)(b)(1)(iv) of Zoning By-law 6593, the following shall apply:
 - (1) A minimum landscaped open space area of 41 m² having a minimum width of 5.50 m and a minimum depth of 6.0 m shall be provided and maintained in the rear yard; and,
- (f) That notwithstanding Section 9A.(2)(c) of Zoning By-law No. 6593, the following shall apply:
 - (1) No interior lot for a single family dwelling shall have a lot area of less than 220 m² or a lot width of less than 11.0 m; and,
 - (2) No corner lot for a single family dwelling shall have a lot area of less than 220 m² or a lot width of less than 12.0 m; and,
- (g) That a visual barrier of not less that 1.2 m in height and not greater than 2.0 m in height, shall be provided and maintained along the rear and side lot line and side lot line where it abuts the rear yard; and,
- (h) No door, window or other opening shall be permitted in the wall of a dwelling where the wall is within 3.5 m or less, of the rear yard landscaped area of an abutting property and faces said rear yard landscaped area; and,

- (i) That notwithstanding Sections 18.(4)(i) and 18.(13) of Zoning By-law No. 6593, no accessory building or structure shall be permitted; and,
 - (vii) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1371, and that the Blocks "2", "5", "6", "7", and "8", on Zoning District Map W-17B be notated S-1371; and,
 - (viii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-17B for presentation to City Council; and,
 - (ix) That the By-law not be forwarded to Council until such time as the applicant has submitted a revised plan of subdivision incorporating the revision to Street "C" through the adjacent draft approved plan of subdivision "Fontana Gardens" whereby the centreline radius is to be increased to a minimum of 200.0 m with a minimum tangent of 30.0 m between the two horizontal curves; and,
 - (x) The application complies with the City of Hamilton Official Plan.
- (b) That the approved Gourley Neighbourhood Plan be amended as follows upon finalization of the zoning by-law (see Appendix "C"):
- (i) From "Attached Housing" to "Single and Double Residential" for the three small lot singles (Lots 6, 7 and 17); and,
 - (ii) That the proposed quattroplexes and interlinks be identified in the Neighbourhood Plan by outlining the area and retaining the "Innovative Housing" note; and,
 - (iii) That the road pattern be revised to incorporate Street "B", as shown on the "Orchards North" proposed plan of subdivision; and,
 - (iv) That Appleblossom Drive, north of Chester Avenue and south of Street "A", on the "Orchards North" proposed plan of subdivision, be shifted westerly such that the road allowance is located within the limits of the original road allowance between Lots 16 and 17; and,
 - (v) Redesignation of the proposed 10 m wide sewer easement located between Chesley Street and Street "A" from "Utilities" to "Single & Double" residential.

3. (a) That the proposed 1996 Beasley Neighbourhood Plan land use schedule, policies and recommendations, attached hereto and marked Appendix "D", be adopted; and,

(b) That staff of the Planning and Development Department in conjunction with the Beasley Neighbourhood Plan Review Team begin implementation of the 1996 Beasley Neighbourhood Plan.
4. That approval be given to the request by Wentworth Construction Planning on behalf of the owner Citslap Industries Plastics Limited, for an extension of the approval of Site Plan Control Application DA-93-05 to June 7, 1997, for 139-147 Locke Street South, with appropriate agreement registered on title to recognize the extension, and that at the end of this period if a Building Permit has not been issued, the proposed development must be subject to a new Site Plan Control Application.
5. That a Hamilton Emergency Loan (H.E.L.P.) in the amount of two thousand dollars (\$2,000) be approved for Mr. and Mrs. Boshier, 145 Picton Street East. The interest rate will be 8 per cent amortized over 5 years.
6. (a) (i) That a secured loan in the amount of twenty-five thousand dollars (\$25,000) to Alcino and Maria Duarte carrying on business as Duarte Supermarket for improvements to 417 Barton Street East be approved subject to the fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 2.875 per cent, amortized over 10 years; and,

(ii) That a grant from the Barton Street Revitalization Fund in the amount of twelve thousand, five hundred dollars (\$12,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program; and,

(b) (i) That an unsecured loan from the Barton Street Revitalization Fund in the amount of five thousand dollars (\$5,000) to Alcino and Maria Duarte carrying on business as Duarte Supermarket for improvements to 417 Barton Street East be approved, subject to the fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 2.875 per cent, amortized over 10 years; and,

- (ii) That a grant from the Barton Street Revitalization Fund in the amount of two thousand and five hundred dollars (\$2,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program.
- 7.
 - (a)
 - (i) That a secured loan in the amount of twenty-five thousand dollars (\$25,000) to Michelle Van Meggelen for improvements to 447 Barton Street East be approved subject to the fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 2.875 per cent, amortized over 10 years; and,
 - (ii) That a grant from the Barton Street Revitalization Fund in the amount of twelve thousand, five hundred dollars (\$12,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program; and,
 - (b)
 - (i) That an unsecured loan from the Barton Street Revitalization Fund in the amount of five thousand dollars (\$5,000) to Michelle Van Meggelen for improvements to 447 Barton Street East be approved, subject to the fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 2.875 per cent, amortized over 10 years; and,
 - (ii) That a grant from the Barton Street Revitalization Fund in the amount of two thousand and five hundred dollars (\$2,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program.
- 8.
 - (a)
 - (i) That a secured loan in the amount of twenty-five thousand dollars (\$25,000) to Benny and Debra Bombardieri carrying on business as BMB Industries for improvements to 448 Barton Street East be approved subject to the fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 2.875 per cent, amortized over 10 years; and,
 - (ii) That a grant from the Barton Street Revitalization Fund in the amount of twelve thousand, five hundred dollars (\$12,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program; and,

- (b)
 - (i) That an unsecured loan from the Barton Street Revitalization Fund in the amount of five thousand dollars (\$5,000) to Benny and Debra Bombardieri carrying on business as BMB Industries for exterior storefront improvements to 448 Barton Street East be approved, subject to the fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 2.875 per cent, amortized over 10 years; and,
 - (ii) That a grant from the Barton Street Revitalization Fund in the amount of two thousand and five hundred dollars (\$2,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program.
- 9. That the City Solicitor be authorized and directed to prepare an amendment to By-law 93-167 to authorize permits and fees by adding item 1(a) to Schedule "A", as follows:
 - 1(a) permit for the construction of barrier-free access in single and two family dwellings \$75. **REFERRED BACK.**
- 10. That the Building Commissioner be authorized to issue demolition permits in accordance with By-law 74-290 pursuant to Section 33 of the Planning Act, as amended for the following properties:
 - (a) 140 Rymal Road West
 - (b) 150 Rymal Road West
- 11. That the City Clerk notify the Region of Hamilton-Wentworth and the Niagara Escarpment Commission that the City of Hamilton does not object to proposed Amendment PC/113/96 to the Niagara Escarpment Plan; and, that the modifications to the Amendment outlined in the staff report hereto subjoined be considered by the Niagara Escarpment Commission:
 - (a) To allow for the preservation of other types of heritage buildings, not only single-family dwellings; and,
 - (b) To allow for the severance of lots with heritage buildings.
- 12. (a) That the request by John Parente, Solicitor for 822827 Ontario Inc., owner, to remove part-lot control be approved to establish maintenance easements for Lots 1, 4, 5, 6, 7, 8, 9, 10 and 11, and an easement for future development on Lot 12 located in "Wisemount Estates - Phase 7", as shown on Appendix "E"; and,

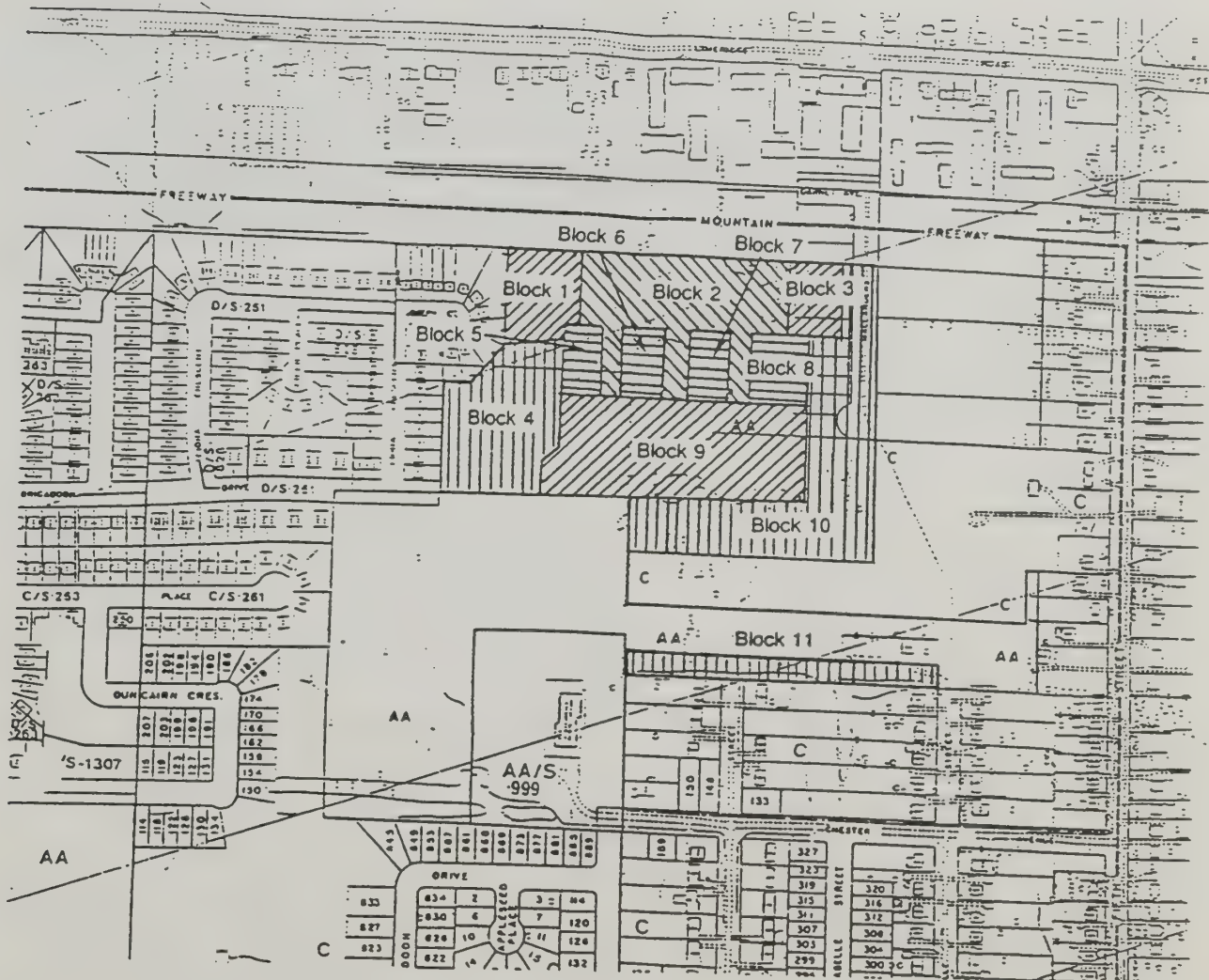
- (b) That the appropriate By-law (attached hereto and marked as Appendix "F") to remove part lot control from Lots 1 to 9 inclusive and Lot 12, Registered Plan 62M-794, "Wisemount Estates - Phase 7" plan of subdivision, be enacted by Council; and,
 - (c) That following enactment of this By-law, the Regional Municipality of Hamilton-Wentworth (as delegate of the Minister of Municipal Affairs) be requested to grant approval to the by-law and endorse the same on the by-law.
13. That the Building Commissioner be authorized to issue a demolition permit in accordance with By-law 74-290 pursuant to Section 33 of the Planning Act, as amended for 36 Mud Street.
14. That the following Bills be adopted, signed, sealed and enrolled as By-laws:
- (a) C-55 A By-law to Establish Site Plan Control Respecting Land Located at Municipal No. 620 King Street West.
 - (b) C-56 A By-law to Amend By-law No. 90-197 Respecting the Main Street West Esplanade Business Improvement Area.
 - (c) C-57 A By-law to Adopt Official Plan Amendment No. 136 Respecting Lands Located West of Upper Paradise Road Between Stone Church Road West and Rymal Road West Within the Falkirk West Neighbourhood.
 - (d) C-58 A By-law to Amend Zoning By-law No. 6593 Respecting Lands Located West of West Fifth Street, South of the Proposed Mountain Freeway and North of Chester Street.
 - (e) C-59 A By-law to Remove Land Within the "Wisemount Estates - Phase 7" Subdivision, Plan 62M-794 from Part Lot Control.

Respectfully submitted,

**ALDERMAN D. DRURY, CHAIRPERSON
PLANNING AND DEVELOPMENT COMMITTEE**

**Tina Agnello, Secretary
1996 October 2**





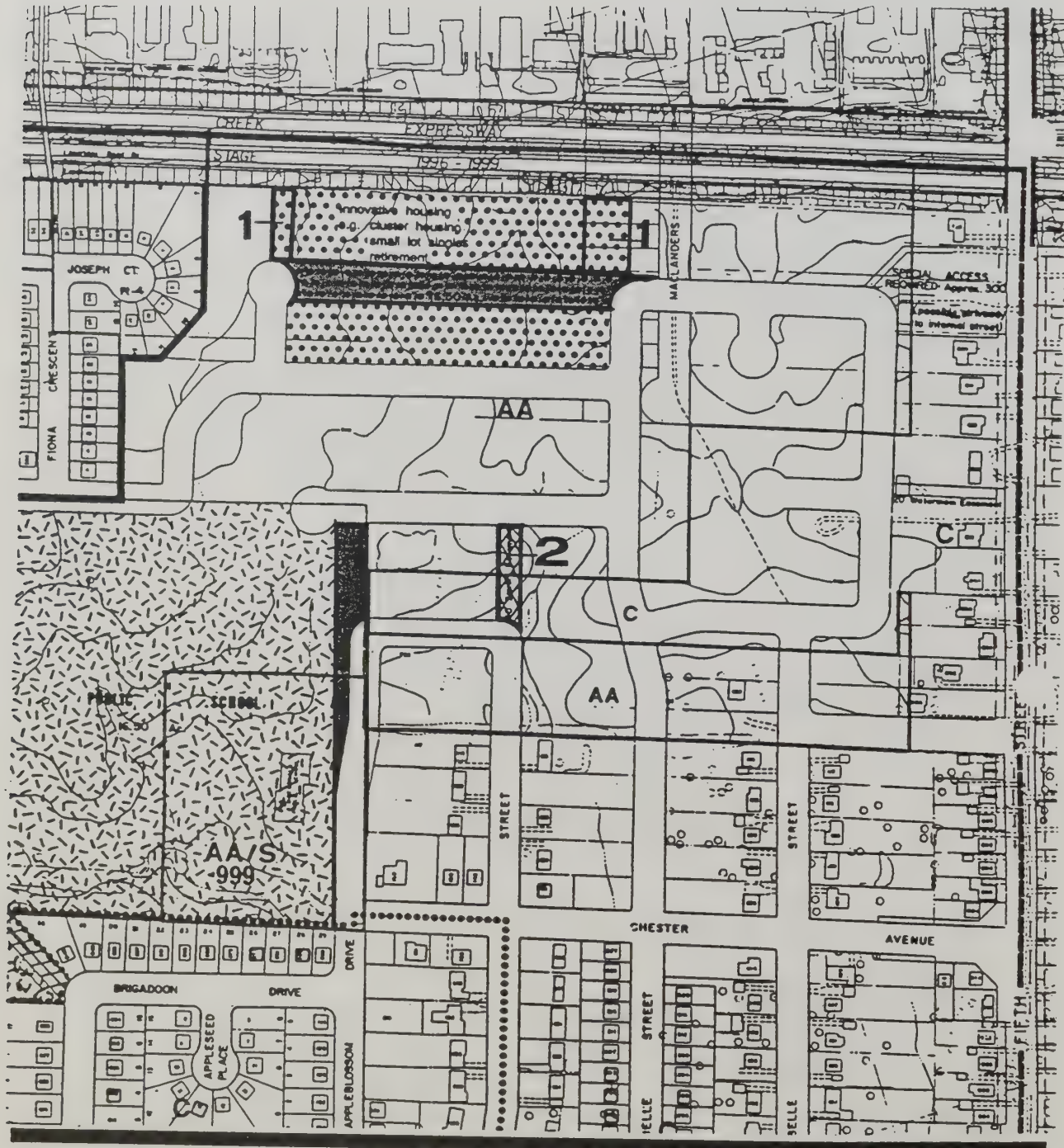
Legend

Proposed Changes In Zoning From "AA" (Agricultural) District To:

- | | | |
|------------------------------|---|--|
| Blocks "1", "3" and "9" |  | "R-4" (Small Lot Single-Family Dwelling) District |
| Block "2" |  | "DE" (Multiple Dwellings) District, modified |
| Blocks "4", "10" and "11" |  | "C" (Urban Protected Residential, etc.) District |
| Blocks "5", "6", "7" and "8" |  | "R-4" (Small Lot Single-Family Dwelling) District, modified |



ZAC-94-32



Proposed Changes to GOURLEY Approved Plan

- 1 Redesignation from "Attached Housing" to "Single & Double" residential
- 2 Change from "Utilities" to "Single & Double" residential
- [Hatched Box] Change to Road Pattern

THE 1996 BEASLEY NEIGHBOURHOOD PLAN -

Executive Summary

Prepared By:

**The Beasley Neighbourhood Plan Review Team
in conjunction with
The Planning and Development Department
City of Hamilton**

September, 1996

1.0 BACKGROUND

Beasley Neighbourhood lies within the north-east quadrant of Hamilton's central downtown area. Beasley has a rich historical tradition within the development of Hamilton as much of the lands now part of the neighbourhood were part of George Hamilton's original town plot established in 1816. This historical tradition is evident today by the many architectural themes throughout the neighbourhood and the diversity of land uses that characterize this older, established downtown neighbourhood.

Beasley Neighbourhood is a unique community in many respects. As home to the downtown commercial core and Gore Park, Beasley Neighbourhood functions as a cultural and economic focal point for the City of Hamilton. Beasley has always been a neighbourhood where new immigrants to Hamilton first settle. This has resulted in an ethnically diverse neighbourhood with many local commercial establishments and restaurants meeting the needs of these new Hamiltonians.

Beasley is a neighbourhood that faces many challenges. Segments of the housing stock are in need of rehabilitation. The current traffic system of high-volume, wide arterial roadways has not been conducive to neighbourhood cohesiveness. The downtown commercial core has been hard hit by changes in retail economics. New residential development has had the effect of eroding the historical lower-density character of the neighbourhood. There is a perception of Beasley as a high crime area. The vestiges of Hamilton's industrial past are still apparent with large industrial buildings interspersed among residential blocks with conflicts arising from incompatible land uses. And, the neighbourhood continues to be under-served in terms of green space and recreational facilities.

The 1996 Beasley Neighbourhood Plan is premised on a number of planning principles and are as follows:

- 1) The incompatible land uses, in particular industrial and automotive-related, need to be eliminated and as such there are no industrial designations in the 1996 Beasley Neighbourhood Plan;
- 2) The amount of green space in the neighbourhood needs to be increased;
- 3) The anticipated growth of the downtown has not occurred. This has resulted in many vacant and underutilized commercial buildings and land parcels on the periphery of the core and has eroded the residential attributes of Beasley. Accordingly, the "reach" of the commercial base in the southern part of the neighbourhood has been scaled back;
- 4) A mix of land uses such as residential or commercial and residential/commercial combined along major thoroughfares is appropriate and needs to be emphasized while recognizing existing building heights;
- 5) The arterial road system for vehicular traffic has not proved conducive to neighbourhood cohesiveness and pedestrian comfort and has created physical barriers. Elimination of the arterial road functions of Cannon Street and Wilson Street is imperative;
- 6) The Perimeter Road needs to be constructed to accommodate heavy truck traffic and divert through traffic away from neighbourhood streets;
- 7) New housing developments should be in a lower density form that will be more compatible with the existing neighbourhood, i.e., single and semi-detached, row/townhouse, and stacked townhouses;

- 8) Medium density residential uses will be encouraged in close proximity to the downtown core while high density residential uses have been eliminated; and,
- 9) The aesthetics of the neighbourhood including the built form and urban spaces must be regarded with greater importance in all public and private development activities in the neighbourhood.

2.0 NEIGHBOURHOOD PLAN DESIGNATIONS

Map One on page 3 reflects the long-term, i.e., 15 to 20 year, land use objectives for Beasley Neighbourhood, which embody the planning principles noted previously. Map One contains land use designations which are not consistent with the existing land use. For example, several existing industrial and automotive-related uses are designated for residential purposes; existing high-density residential uses are designated for lower-density residential uses; and current commercial areas are designated for mixed residential/commercial uses. Accordingly, these areas will be regarded as "non-conforming" in the context of the Neighbourhood Plan.

Over the life of the Beasley Neighbourhood Plan, there will likely be occasions when a redevelopment of a site is proposed by a landowner. At the time of the proposal, the adequacy of the storm and sanitary sewers will have to be considered, as well as the capacity of water services to support the anticipated redevelopment.

The various land uses shown on Map One are described below:

2.1 Single-Detached and Semi-Detached (Yellow)

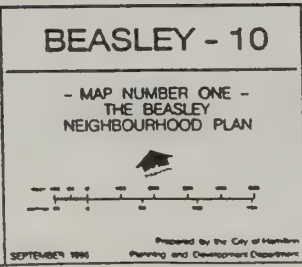
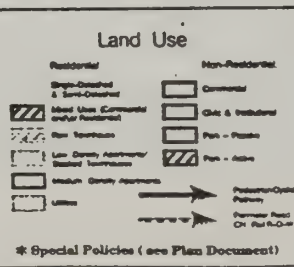
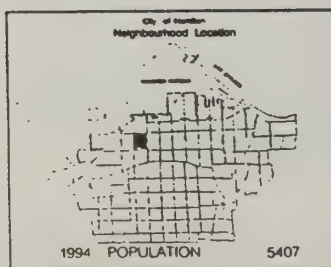
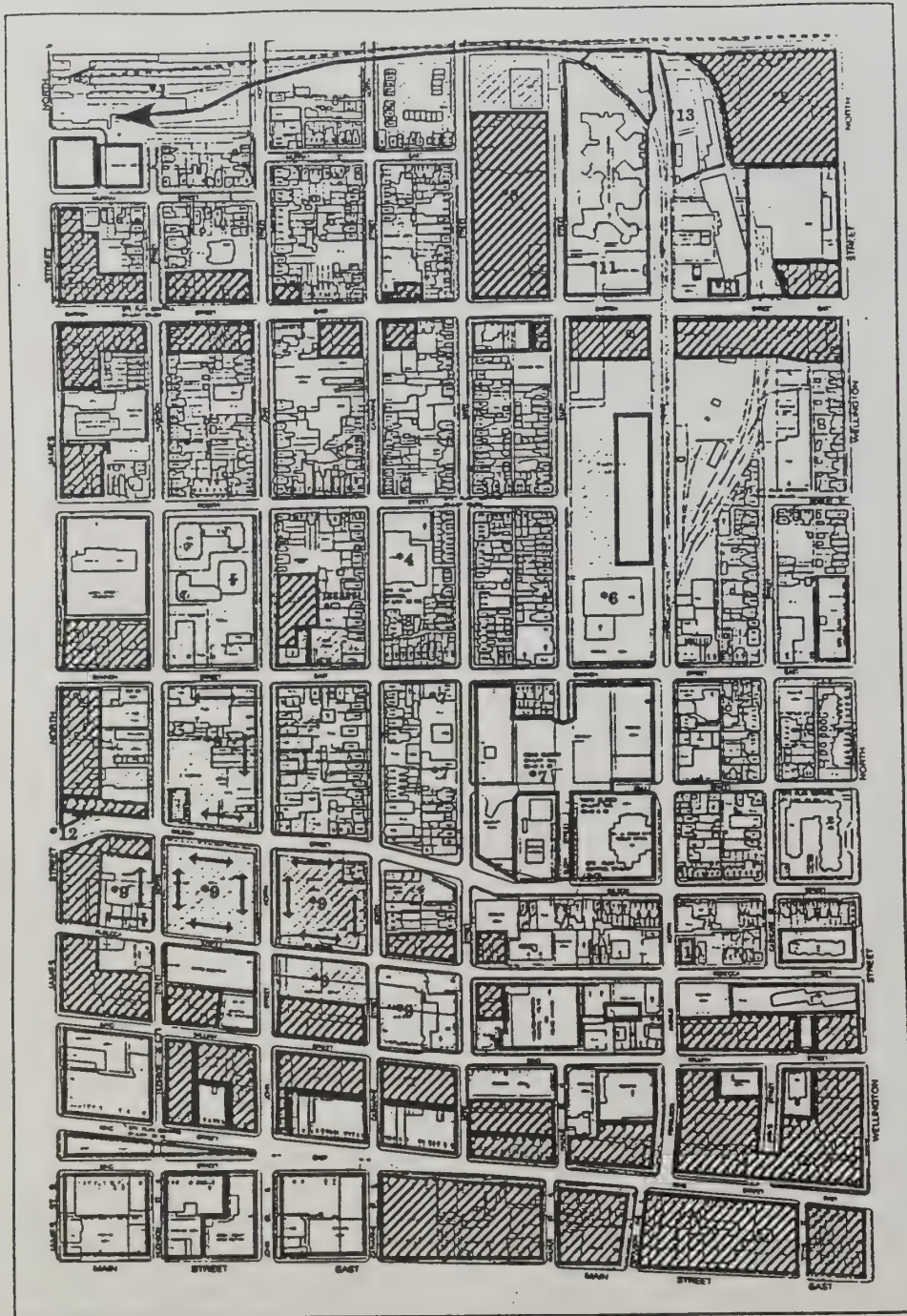
This designation covers most of the interior of Beasley Neighbourhood. It is intended to reaffirm the lower density character of Beasley Neighbourhood. This designation will promote greater stability by encouraging residential redevelopment on vacant parcels of land within the built-up low density blocks at low residential densities. Areas previously designated for high density residential are now designated Single-Detached and Semi-Detached. As well, the incompatible industrial and automotive-related uses have been designated Single-Detached and Semi-Detached.

Within the Single-Detached and Semi-Detached designation, attached row housing will be permitted provided the lot width is similar to that of single- and semi-detached units, it is in a form compatible to adjacent dwellings and is oriented towards the street. Any new residential construction shall not exceed a height of 2½ storeys.

2.2 Row/Townhouse (Orange Hatched)

This designation is applicable primarily to larger sized vacant or underutilized land areas that are isolated or slightly removed from the existing built-up neighbourhood where redevelopment to residential is likely to occur. This recognizes that the economics of residential redevelopment in a built-up urban centre favours housing forms at a density higher than single or semi-detached dwellings. The Row/Townhouse designation would provide the necessary economic incentive and at the same time provide dwelling forms consistent with the character and scale of the existing dwelling stock in the neighbourhood.

Single-detached and semi-detached dwellings will be permitted in the Row/Townhouse designation. Any new residential development must be in a form that is compatible to adjacent dwellings, oriented towards the street and shall not exceed a height of 2½ storeys.



2.3 Low Density Apartments/Stacked Townhouses (Orange)

This designation has been applied on several parcels adjacent to major roadways in close proximity to the downtown, e.g., Wellington Street, Cannon Street and King William Street. This designation is as well intended to recognize redevelopment potential for residential uses, but at slightly higher densities. In addition, this designation will also assist in achieving higher population levels in the immediate downtown area. Four storeys is the desirable maximum height for apartment buildings in this designation.

2.4 Medium Density Apartments (Brown)

This designation is applied to several parcels of land within Beasley Neighbourhood to recognize the existing residential use and is also applied in two locations near Ferguson Avenue and King William Street to recognize redevelopment potential. The application of this designation is consistent to the land use proposals suggested by the Ferguson Avenue Revitalization Advisory Committee as part of their work to rejuvenate Ferguson Avenue. Six to eight storeys is the desirable maximum height for apartment buildings in this designation.

2.5 Mixed Uses -

Commercial and/or Residential (Yellow with Red Hatching)

An important planning principle is to facilitate a number of different but compatible land uses in close proximity or within a specific property, i.e., "mixed use developments". Areas of mixed uses and mixed use developments can involve many uses but it is the commercial/residential combination which offers the greatest positive economic and social effect at the neighbourhood level as each use reinforces the viability of the other.

Extensive use of the Mixed Uses designation recognizes the importance of facilitating greater residential development in Beasley Neighbourhood and allows for flexibility in potential redevelopment opportunities. The logic is compelling as with more people in the neighbourhood, the viability of local commercial businesses would be enhanced which provide a further draw for people to move into the neighbourhood.

2.6 Commercial (Red)

The scope of the Commercial designation in Beasley Neighbourhood has been narrowed. This is in part because of the desire to encourage more Residential uses. As well, the Commercial "reach" of the downtown in other municipal planning documents has had the effect of undermining the stability of the existing residential community. By restricting the Commercial designation to the area immediately surrounding Gore Park, Hamilton's downtown would be more focused and dissipate the negative and destabilizing effects of land use planning uncertainty on the surrounding residential neighbourhood.

2.7 Civic and Institutional (Blue)

The Civic and Institutional designation covers a variety of existing uses in Beasley Neighbourhood. These uses include: the Hamilton-Wentworth Regional Police Headquarters on King William Street, the Dr. J. Edgar Davey Public School on Wilson Street, the Hamilton Hydro Electric building on Rebecca Street, the Central Fire Station on John Street North, the Hamilton-Wentworth Regional Detention Centre on Barton Street, the James Street North Armouries, the City of Hamilton Public Works Yard on Ferguson Avenue and the three neighbourhood Churches: Christ's Church Anglican Cathedral on James Street North, St. Peter's Hungarian on Barton Street and St. Johannes Evangelical Lutheran on Wilson Street.

2.8 Park - Passive (Green)

Park - Active (Hatched Green)

The Park designation has been divided into two distinct designations. "Active" park space are parks with various play/recreational facilities; and "Passive" parks are more suited for sitting and conversing with friends and neighbours and may contain small gardens.

The 1994 population of Beasley Neighbourhood was 5,407 persons. The neighbourhood parkland standard, as set out in the Hamilton Official Plan, is 0.5 hectares (1.24 acres) per 1,000 population. This translates to a required parkland area of 6.70 acres. McLaren and Beasley Parks total 3.44 acres. There is an additional 1.88 acres of land designated for Beasley Park that has not been acquired by the City. In total, there are 5.62 acres of parkland owned or designated for acquisition by the City. This is a deficiency of 1.08 acres of designated parkland based on current population.

A number of new Park locations have been designated in the Neighbourhood on Map One, which is consistent with the overall strategic objective of making Beasley Neighbourhood a more attractive living environment for existing residents and prospective newcomers. A description and rationale of the existing and new park locations in the Beasley Neighbourhood Plan are as follows:

- Gore Park is an important park for Beasley residents and all Hamiltonians. Gore Park should be more pedestrian friendly and enhanced as a focal point for the City. Closing Hughson Street permanently and joining the two separate "pieces" of Gore Park together should be a key objective for the City;
- Beasley Park has undergone a gradual transformation into a park which provides important recreational and passive space needs for Beasley residents. Beasley Park is now the focus of the neighbourhood and recognized as the neighbourhood park. Acquisition of property for park purposes should continue, specifically the parcel to the east currently occupied by Lockwood Motors and the industrial premises to the west currently occupied by a number of small firms;
- A walkway linkage to Catharine Street North needs to be established at McLaren Park and the park itself needs to be expanded by acquiring the property to the south which would open up the park to Cannon Street;
- The grass foreground of the CN Station on James Street North should be formalized into a passive park. This area has been used by many cultural and ethnic groups for various festivals over the years. The parking lot immediately to the east of the grass foreground should be redeveloped into some form of a community garden with benches to facilitate greater interaction among local residents;
- Adjacent to the proposed Perimeter Road, a pedestrian/cyclist route and "greenway" has been designated that would act as a buffer for the Perimeter Road and as well link a number of new parks at the north end of Beasley Neighbourhood;
- To the northeast of the Hamilton-Wentworth Regional Detention Centre lies a triangular portion of land that contains several underused railway spurs and field. This area as well has potential to be more actively developed into viable park space; and,

The Stelco Steel property and structure on the west side of Wellington Street North just south of the CN Rail tracks has been vacant since the early 1980's and to date there has been no market interest in the property or structure for other industrial-type uses. Considering the nature of the previous industrial use, it is likely that prior to any redevelopment a soils clean-up and decommissioning will have to take place. Accordingly, the creation of a temporary sport park, e.g., football, soccer, baseball, etc., through a partnership between the City and Stelco Steel would be appropriate until market forces ultimately determine future land use.

It is recognized that park acquisition in developed neighbourhoods is a long-term process contingent upon available public financing and willing sellers. In terms of parkland priorities over the short-term in the next three to five years, the focus and priorities in Beasley Neighbourhood should be as follows:

- 1st Priority:** Continue with development of Beasley Park - The expansion of Beasley Park eastward to Ferguson Avenue is imperative;
- 2nd Priority:** Preservation of the green foreground of the James Street North CN Station - Any reuse of the station structure and potential redevelopment must preserve this important community focal point; and,
- 3rd Priority:** Enhancement of Gore Park - The focus of the Hamilton community for over a century, Gore Park needs to be relinked across Hughson Street to create an effective green space and community asset in the heart of Hamilton's downtown.

2.9 Utilities (Grey)

The following lands are designated as Utilities: the Ontario Hydro Sub-Station on Elgin Street north of Wilson Street; the south-west corner of Mary Street and Wilson Street for a future water works facility; and the CN Station on James Street North including the rail tracks to the east.

3.0 SPECIAL POLICY AREAS

Planning documents should provide guidance and direction in regard to development or redevelopment within a neighbourhood, in addition to outlining preferred future land uses. Beasley Neighbourhood contains a number of unique land parcels that may undergo development or redevelopment in the coming years. A number of Special Policy Areas on Map One are noted to provide further planning guidance in the event a proposal for development and/or redevelopment arises and highlights other areas of importance to the neighbourhood.

Special Policy Area 1

The Canadian National Rail Station on James Street North is an important historical asset of Beasley Neighbourhood and the City of Hamilton. The Station has been underutilized for a number of years and has been the subject of numerous redevelopment proposals; however, the structure itself does not lend itself for other uses and simply functions best as a train station. It is important to recognize the adjacent rail lines are the only rail links between Toronto and the north-eastern United States.

Although at present it appears unlikely that any rail organization in the short-term will require the use of the building and its environs as a train station, passenger rail as a mode of transportation may become more viable and an attractive alternative to air travel or automobile travel in the coming years. Accordingly, the ultimate preferred long-term use is as a train station.

However, if the station is ultimately redeveloped for other uses, there are a number of concerns and objectives which need to be addressed as part of any redevelopment proposal including:

- Preservation and retention of the main station structure;
- Retention of the grassed front square area as a passive open space while the parking lot immediately to the east should be converted into some form of public garden;
- Establishment of a pedestrian link to Stuart Street and the West Harbourfront area needs to be established;
- Buffering should be considered in anticipation of the Perimeter Road; and,
- Building heights in any redevelopment proposal should be no more than 4 storeys to be consistent with the neighbouring residential properties.

Special Policy Area 2

The Stelco Steel property and structure on the west side of Wellington Street North just south of the CN Rail tracks has been vacant since the early 1980's and to date there has been no market interest in the property or structure for other industrial-type uses. Considering the nature of the previous industrial use, it is likely that prior to any redevelopment a soils clean-up and decommissioning to the satisfaction of the Ontario Ministry of Environment and Energy will have to take place. Accordingly, the creation of a temporary sport park, e.g., football, soccer, baseball, etc., through a partnership between the City and Stelco Steel would be appropriate until market forces ultimately determine future land use.

Special Policy Area 3

The commercial plaza situated on the north side of Barton Street between Mary Street and Elgin Street is a potential site for redevelopment. A grocery store/supermarket is important for a neighbourhood and therefore a cohesive mixed commercial/residential development is regarded as the most preferable land use option. In any redevelopment proposal, the option of extending Murray Street through to Elgin Street should be considered to facilitate more street-oriented uses. Smaller city blocks create a more desirable urban ambience and should be strongly considered. As well, a street focus onto Barton Street should be promoted.

Special Policy Area 4

The Liquor Control Board of Ontario (LCBO) warehouse on the east side of Catharine Street North between Robert Street and Cannon Street East provides bulk service for local restaurants and hotels. This is a clear incompatible use and there are safety concerns in regard to truck movements in and out of the warehouse. The warehouse is situated within an established low density residential block. Any redevelopment on this site should be residential and in a dwelling form and density consistent with the adjacent residential properties.

Special Policy Area 5

Hughson Street is a key thoroughfare with potential to enhance the role of Gore Park in the downtown. At the present time, the eastern side of the street between King Street and King William Street is occupied by the former Kresge Building. If redevelopment of the site is considered at any future point in time, green space on the east side of Hughson Street North would provide an attractive pedestrian linkage between King William Street and King Street. A small park would "open up" the area surrounding Gore Park and as well provide greater focus for the Gore Park Fountain. Alternatively, commercial uses in the form of small boutiques could as well be facilitated on the east side of Hughson Street south of King William Street provided a 7.5 building setback from the road right-of-way is provided. This setback would effectively "open up" the area as well.

Special Policy Area 6

The City Chevrolet-Oldsmobile dealership is a potential redevelopment site. Recognizing the redevelopment of the lands immediately to the north for medium density apartments and townhouses, low density apartments built to a maximum height of four storeys is appropriate, should redevelopment be considered. In addition, provision should be made for adequate building setbacks to allow the creation of a green space buffer between the sidewalks and the actual building envelope.

Special Policy Area 7

Beasley Park is the principal Neighbourhood Park and over the years has played an increasingly important role in making the Neighbourhood a more enjoyable place to live. As part of the on-going development and refinement of Beasley Park, there are a number of issues and concerns:

- The façade of the industrial building at the north-east corner of Kelly Street and Mary Street provides a symbolic and aesthetically unique reminder of how the neighbourhood has changed and should be preserved and integrated within the park setting;
- Elgin Street immediately north of Wilson Street should be closed officially except to permit access for Ontario Hydro vehicles. The lands and road right-of-way should be incorporated into the park and the existing on-street parking on Elgin Street should become parking for the park only;
- It is important to promote residential development consistent with the policies of the Neighbourhood Plan surrounding Beasley Park to provide "eyes on the park" and a greater sense of neighbourhood security; and,
- The small residential enclave on Cannon Street west of Elgin Street should be preserved as these dwellings represent a desirable form of housing within Beasley Neighbourhood.

Special Policy Area 8

The Smart/Turner Pump office structure on Barton Street East is regarded as an architecturally unique building in Beasley Neighbourhood and this structure should be preserved and encouraged to be redeveloped into a commercial use.

Special Policy Area 9

Beasley Neighbourhood contains a number of commercial parking lots that represent significant redevelopment potential for residential uses. A number of locations have been identified within Beasley and the following objectives should be considered in any future development initiative:

- Wider sidewalks, enhanced boulevard green space and greater building setbacks should be incorporated to facilitate an urban environment conducive to pedestrian traffic;
- Development should be at a scale and density that reinforces and maintains the lower-density character of Beasley Neighbourhood; and,
- New internal public roadways through the block should be facilitated wherever feasible as smaller city blocks create a more attractive urban ambience for residents, pedestrians and visitors.

Special Policy Area 10

The former Wesleyan German Church at the north-east corner of Rebecca Street and Ferguson Avenue North was opened in January, 1862 and was capable of seating 250 people. The building is presently vacant but was recently used as office space by an advertising firm. Retaining the historical resources of Beasley Neighbourhood is important and the original structure should be maintained.

Special Policy Area 11

The front portion of the Hamilton-Wentworth Regional Detention Centre is an important "public" open space and should be retained. It provides an attractive vista for passing motorists and pedestrians along Barton Street and adds to the sense of green in the neighbourhood.

Special Policy Area 12

The intersection of York Boulevard/Wilson Street and James Street North is a major gateway to Beasley Neighbourhood. However, the current urban design of the buildings and lots surrounding this intersection do not accentuate its importance and prominence. The City should implement urban design and other aesthetic measures that will enhance this area of Beasley Neighbourhood.

Special Policy Area 13

The City has indicated the Public Works Yard is required for an indefinite period of time. When this land is no longer required for civic purposes, a residential use would be the appropriate future land use, likely in the form of a row/townhouse project.

3.0 RECOMMENDATIONS

Beyond land use planning concerns, there are a number of issues that are apparent in Beasley Neighbourhood that require attention by the City of Hamilton. These issues are of concern to all Beasley residents and businesses as they affect the "quality-of-life" and will contribute positively to the goal of attracting newcomers and creating stability in the neighbourhood. Issues such as the transportation network, the need for market value assessment, crime and safety, and vacant lands are at the forefront.

The Beasley Neighbourhood Plan Review Team has prepared the following recommendations:

- 1) That City Council adopt the 1996 Beasley Neighbourhood Plan document and associated schedules and policies as the revised Beasley Neighbourhood Plan;
- 2) That the Planning and Development Department undertake the necessary rezonings to bring the current zoning in Beasley Neighbourhood in line with the goals and objectives of the Beasley Neighbourhood Plan;
- 3) That the Parks Division of the Department of Public Works and Traffic commit to the proposed park and green space locations as identified on Map One of the 1996 Beasley Neighbourhood Plan and liaise with appropriate landowners in regard to eventual purchase of the identified lands;
- 4) That the Advisory Committee on Transportation Issues undertake a fundamental review of Hamilton's one-way street system in the context of the long-term implications on the ambience and vitality of Hamilton's downtown neighbourhoods;
- 5) That the Region of Hamilton-Wentworth at appropriate opportunities, prohibit trucks, lower permitted speeds and reduce vehicular volumes on all Regional roads in Beasley Neighbourhood;
- 6) That the City of Hamilton and the Region of Hamilton-Wentworth reaffirm its support of the construction of the Perimeter Road to the Provincial Government with a view to securing necessary Provincial monies to enable construction to proceed;

- 7) That the Roads Division of the Regional Transportation Department investigate all streets in Beasley Neighbourhood and throughout the downtown core neighbourhoods that can be narrowed to better accommodate pedestrian traffic and create a more attractive urban atmosphere;
- 8) That Hamilton City Council direct all appropriate civic staff to place an increased emphasis on urban design criteria in the evaluation of all development proposals;
- 9) That the Planning and Development Department and the Department of Public Works and Traffic pursue the development of "urban open spaces" on public and/or private lands at the following locations within Beasley Neighbourhood:
 - i) Hughson Street and Murray Street, east of the CN Station;
 - ii) James Street North and York Blvd;
 - iii) North side of King William Street between Catharine Street and Mary Street;
 - iv) North-west corner of Wilson Street and Mary Street (95 Mary Street);
 - v) King William Street and Mary Street; and,
 - vi) King William Street and Jarvis Street.
- 10) That a focused and comprehensive street tree planting program for the entire Beasley Neighbourhood be established through the "Street Tree Planting Program" operated by the Forestry Section of the Department of Public Works and Traffic;
- 11) That the Planning and Development Department and the Building Department revise the Hamilton Zoning By-law by requiring a minimum 3.0 metre front yard depth in all residential, commercial and Central Business District zoning districts that currently do not have front yard depth requirements;
- 12) That the Planning and Development Department and the Building Department undertake a review of the City of Hamilton Zoning By-law to incorporate the principle of maximizing sun exposure on city streets through zoning by-law provisions;
- 13) That Hughson Street, King William Street and Ferguson Avenue North be recognized as key pedestrian-oriented streets and selected as pilot projects for incorporating sun maximization techniques at all planning approvals stages;
- 14) That the Planning and Development Department investigate the use of "sunset clauses" for rezoning applications;
- 15) That the Hamilton-Wentworth Regional Police re-establish a storefront office on James Street North and have a greater number of on-street beat patrols in Beasley Neighbourhood and throughout the City of Hamilton; and,
- 16) That Hamilton City Council request the Ontario Ministry of Revenue to update the real property market values used as the basis for determining assessed values for property tax purposes for all properties in the City of Hamilton.



Bill No. C-59

The Corporation of the City of Hamilton

BY-LAW NO. 96—

To Remove

Land within the "Wisemount Estates - Phase 7" Subdivision, Plan 62M-794
from Part Lot Control

WHEREAS subsection 5 of Section 50 of the Planning Act, (R.S.O. 1990, Chapter P.13) establishes part-lot control on land within registered plans of subdivision;

AND WHEREAS subsection 7 of Section 50 of the Planning Act, states, in part,
as follows:

- (7) **Designation of lands not subject to part lot control.** -- Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or parts of them as are designated in the by-law.
- (7.1) **Requirement for approval of by-law.** -- A by-law passed under subsection (7) does not take effect until it has been approved by the appropriate approval authority for the purpose of sections 51 and 51.1 in respect of the land covered by the by-law.
- (7.2) **Exemption from approval.** -- An approval under subsection (7.1) is not required if the council that passes a by-law under subsection (7) is authorized to approve plans of subdivision under section 51.
- (7.3) **Expiration of by-law.** -- A by-law passed under subsection (7) may provide that the by-law expires at the expiration of the time period specified in the by-law and the by-law expires at that time.
- (7.4) **Extension of time period.** -- The council of a local municipality may, at any time before the expiration of a by-law under subsection (7), amend the by-law to extend the time period specified for the expiration of the by-law and an approval under subsection (7.1) is not required.

- (7.5) **Amendment or repeal.** -- The council of a local municipality may, without an approval under subsection (7.1), repeal or amend a by-law passed under subsection (7) to delete part of the land described in it and, when the requirements of subsection (28) have been complied with, subsection (5) applies to the land affected by the repeal or amendment.

AND WHEREAS the Minister has delegated his authority to approve by-laws enacted under subsection 7 of Section 50 of the Planning Act to the Council of The Regional Municipality of Hamilton-Wentworth pursuant to Section 4 of the Planning Act by Ontario Regulation 476/83;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Subsection 5 of Section 50 of the Planning Act, shall not apply to the following lands:

Lots 2 to 9 inclusive and Lot 12 within Registered Plan Number 62M-794, in the City of Hamilton, Regional Municipality of Hamilton-Wentworth.
2. (a) This by-law shall come into force and effect on the date of its approval by Council of The Regional Municipality of Hamilton-Wentworth.
- (b) Where this by-law has been enacted and the said approval has been endorsed hereon, it shall be registered on title to the land described in paragraph one above.
- (c) This By-law shall expire on January 1, 1997.

PASSED this day of

A.D. 1996.

City Clerk

Mayor

REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Finance and Administration Committee presents its **SIXTEENTH** Report for 1996 and respectfully recommends:

1. That the City of Hamilton agree to the dismissal of Ontario Court (General Division) Action #C14301/94 as against The Corporation of the City of Hamilton, without costs, together with the provision by the Plaintiff, Cheryl Jeske, of a Full and Final Release in a form satisfactory to the City Solicitor.
2. That the listing of Appointments to Permanent positions with the Corporation of the City of Hamilton to 1996 September 20, attached herewith and marked Appendix "A", be approved.
3.
 - (a) That approval be given to issue a purchase order in the amount of \$121,122, exclusive of G.S.T., and inclusive of a contingency (\$10,000) to commission Trio Roofing of Toronto, for the replacement of the roof at MacNab Recreation Centre, being the lowest price of seven quotations received in accordance with the specifications (Ref: C14-18-96) issued by the Purchasing Division; and,
 - (b) That the Mayor and City Clerk be authorized to execute a contract in a form satisfactory to the City Solicitor; and,
 - (c) That the expenditure be financed from Capital Fund Account CF 319441015 (\$54,900) and Major Maintenance Account CF 319541001 (\$66,222).
4. That a purchase order be issued to Johnston Motors, Hamilton in the amount of \$130,255.90, including all applicable taxes, for the replacement of units 1430, 1431, 1432, 1433 and 1715 for Fleet Services, being the lowest total acquisition cost of nine tenders received in accordance with specifications issued by Purchasing and Vendor's tender, and be financed through the Reserve for Mobile Equipment Account No. CH5X501 00101.

5. That a purchase order be issued to Eastgate Ford, Hamilton in the amount of \$36,075.50, including all applicable taxes, for the replacement of unit 9519 for Fleet Services, being the lowest total acquisition cost of seven tenders received in accordance with specifications issued by Purchasing and Vendor's tender, and be financed through the Reserve for Mobile Equipment Account No. CH5X503 00101.
6. That a purchase order be issued to Slessor Pontiac Buick, Grimsby in the amount of \$89,275.65, including all applicable taxes, for the replacement of units 9049 and 9346 for Fleet Services, being the lowest total acquisition cost of seven tenders received in accordance with specifications issued by Purchasing and Vendor's tender, and be financed through the Reserve for Mobile Equipment Account No. CH5X503 00101.
7.
 - (a) That the City of Hamilton provide the funding in the amount of \$2,000 for the Gandhi Peace Festival; and,
 - (b) That this expenditure be funded through an approved overdraft of the Convention/Reception Account CH5A050 20020.
8.
 - (a) That the City of Hamilton place a one page greeting from the Mayor in the NHL Oldtimers Benefit Hockey Game - 1996 October 6 - Souvenir Program at a cost not to exceed \$550; and,
 - (b) That funds for this expenditure be proved from Account No. CH56302-12001 (Advertising and Promotion).
9.
 - (a) That the City of Hamilton provide funding in the amount of \$3,000 to host a reception for the participants of the Annual CIIA Foreign Policy Conference; and,
 - (b) That this expenditure be charged to the Special Civic Reception and Delegation Hosting Account CH54314-84010.
10.
 - (a) That the City engage the services of ABS Bailiff Service for the collection of outstanding business tax accounts effective 1996 October 1; and,
 - (b) That the City engage the services of P.D. Merrell Bailiff Inc. for the collection of business taxes on behalf of the City of Hamilton subject to the Courts providing judicial consent to this firm to practise as bailiffs in the Region of Hamilton Wentworth; and,

- (c) That the City Solicitor be authorized and directed to prepare the necessary agreements for execution; and,
 - (d) That in addition to utilizing bailiffs for the collection of outstanding business taxes, the Treasurer be authorized to use bailiffs for the collection of outstanding realty taxes on commercial/industrial properties where other collection procedures may not be appropriate or adequate to effect payment of the account; and,
 - (e) That the Revised City of Hamilton Business and Realty Tax Collection Procedures be approved, attached herewith and marked Appendix "B".
11. (a) That Alderman D. Wilson, the City Clerk and Chief Licence Inspector be appointed to the Region's Task Force reviewing the regulation of Second Level Lodging Homes; and,
- (b) That, in keeping with the previous decision of the Finance and Administration Committee and City Council, evaluating the relative merits of collecting the \$50 per bed user fee by the municipality not be included in the terms of reference for the Task Force.
12. That the following Bill be adopted, signed, sealed and enrolled as a By-law:
- D-53 A By-law to Confirm the Proceedings of the Council of The Corporation of the City of Hamilton.

Respectfully submitted,

**ALDERMAN B. CHARTERS, CHAIRMAN
FINANCE AND ADMINISTRATION
COMMITTEE**

**Susan Reeder
Secretary
1996 October 1**

Appendix "A" referred
to in Section 2 of the
SIXTEENTH Report of
the Finance and
Administration
Committee for 1996.

THE CORPORATION OF THE CITY OF HAMILTON

APPOINTMENTS TO PERMANENT POSITIONS

<u>NAME</u>	<u>STATUS</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON HIRED</u>	<u>SALARY SCHEDULE</u>	<u>EFFECTIVE DATE</u>
Mr. H. Wroblewski	I	Property Clerk 6B	Property	Replacing Ms. K. Knox - promoted, July 15/96	\$25,396.28 to \$27,605.76	July 15/96

Prepared September 20, 1996

Status	-
Internal	- I
External	- E

CITY OF HAMILTON
TREASURY DEPARTMENT

REALTY TAX COLLECTION PROCEDURES

1. Realty tax instalment bills are forwarded to the owner or agent of each taxable property in the first weeks of February, March, May and September. The taxpayer has the option in February and May of paying two instalments at once thereby taking advantage of a prepayment discount offered by the City. Alternatively the instalment due dates are the last working days of February, March, June and September.
2. Throughout the year any arrears carried forward from previous current year instalments or outstanding balances from previous years are shown on the tax bill as arrears and included in the total amount due.
3. Personalized letters from the Treasurer or Tax Collector are forwarded in July of each year to all property owners with outstanding accounts in excess of \$20,000.
4. In December of each year reminder notices are sent out to the assessed address and the most recent change of address shown on the City's tax records, for all amounts outstanding greater than or equal to \$25.
- *5. All accounts that will become two years in arrears in January of the following year are sent notices in November of the current year advising of the potential for tax registration procedures on the property.
6. All accounts that will become three years in arrears in January of the following year are sent notices in November of the current year with respect to pending tax registration procedures. The owners are advised to pay that portion of the tax that would become three years in arrears in January.
7. Consideration/use of rent attornment in circumstances where taxes are outstanding and rent continues to be paid to the landlord. **Consider the use of bailiffs for the collection of outstanding realty taxes on accounts on commercial/industrial properties where other collection procedures may not be appropriate or adequate to effect payment of the account.**
8. In January all of those properties that have become three years in arrears and have made no arrangement with the Tax department to remit payment on the account are again notified of the situation. At this point they are advised that the City will proceed to register the property for tax arrears, should no payment be made or arrangement agreed upon.

9. A final notice in the form of a personalized letter from the Treasurer or Tax Collector will be forwarded to the assessed owner prior to the registration of the tax arrears certificate.
10. Once the tax arrears certificate is registered on the property the owner(s) has one full year from date of registration to make payment on the taxes in full. During that year all interested parties as registered on the title of the property, the Sheriff's office and tenants according to the assessment roll are notified of the existing tax arrears certificate on the property.
11. After the one year redemption period expires the file is forwarded to our Law Department to ensure compliance with respect to notification as specified by the act. Once the Law Department verifies that the requirements of the Act have been carried out they advise the Tax section to proceed with the sale of the property.
12. The property is sold and upon completion of the sale the tax arrears are paid from the proceeds and the balance is forwarded to the court. Any balance remaining after the court satisfies any other lien holders on the property can be recovered by the original owner after their application to the court.

*Recommended revisions to collection procedures not implemented to date

CITY OF HAMILTON
TREASURY DEPARTMENT

BUSINESS TAX COLLECTION PROCEDURES

1. During the first weeks of February and May of each year, business tax bills for the pre-levy and levy instalments are forwarded to each business tax account as they appear on the most recently returned assessment roll. These bills are due on the last working day of the month in which they are levied.
2. Staff will attempt to make personal contact by telephone with the business taxpayers having outstanding accounts in excess of \$5,000. in an effort to collect these accounts or make satisfactory arrangements.
3. Fifteen days after the pre-levy due date, a "final notice" is forwarded to all business tax accounts where the current year taxes remain outstanding. Accounts with prior years' arrears which have been previously assigned to a bailiff or collection agency will not receive a "final" notice. For these accounts, the collection agency will receive an updated accounting of the balances owing and revised warrants will be issued to the bailiffs.
4. Fifteen days after the "final notice" is issued for the February pre-levy, warrants are issued to the bailiffs for all accounts that are in arrears in excess of \$ 1,000. The bailiffs will notify the City of any accounts which are out of business in order that staff can take the appropriate action including forwarding the account to the collection agency if further collection action is required.
5. All other accounts that are not paid, confirmed out of business, or have not entered into an acceptable payment arrangement are forwarded to the collection agency on the "special program" in the first week of the month following the sending of the "final notice". During the next thirty day period each account on the program receives a notice from the collection agency and are contacted by phone.
6. The outstanding balances from the pre-levy billing are included in the May levy billing, and appear as arrears on those bills with a message indicating that arrears are to be paid to the bailiff or the collection agency.
7. A "final notice" will be issued fifteen days after the levy due date for those accounts with no previous arrears. A final notice will not be issued to those accounts with outstanding arrears. For those accounts, the collection agency will receive an updated accounting of the balances owing and revised warrants will be issued to the bailiffs.

Fifteen days after the "final notice" is issued for the May levy, warrants will be produced and issued to the bailiffs for all accounts that are in excess of \$ 1,000. The bailiffs will notify the City of out of business accounts in order that staff can take the appropriate action including collection action if appropriate. The balance of the outstanding accounts which are less than \$ 1,000 will be forwarded to the collection agency on the "special program".

8. Following the July "special program", a reconciliation of accounts collected and outstanding is computed and the outstanding accounts are redirected to the collection agency for regular collection. At this juncture the collection agency works the accounts until:
 - a) They are collected.
 - b) It is confirmed that the business has ceased operation at this address, thereby requiring a tax appeal.
 - c) The agency recommends legal action and requested permission to proceed with same.
 - d) Alternate payment arrangements (e.g. post-dated cheque) are agreed.
 - e) The agency recommends the account be written off as uncollectible.
9. As accounts are processed through the tax or assessment appeal systems, credits are applied to the accounts in accordance with the direction of the respective authoritative bodies.
10. **Utilize the services of bailiffs to make seizures, if necessary, where the collection agency is unable to enforce collection and the business continues to operate.**
11. As they are approved by City Council credits are applied to the accounts for recommended write offs.

1996 September 6
/TWD

REPORT OF THE COMMITTEE OF THE WHOLE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Committee of the Whole presents its **SIXTH** Report for 1996 and respectfully recommends:

1. a) That the preliminary concept proposed by the Hamilton-Halton Home Builders' Association, in the attached Executive Summary titled "Downtown Hamilton, The Heart of Our Communities" (Appendix "A") to co-ordinate development activities for their member home builders in the downtown core of Hamilton be approved, at a projected cost of a maximum \$180,000 to be borne equally by the City and Region; and,
- b) That the Hamilton-Halton Home Builders' Association report back to the Committees of the Whole upon the completion of Phase 1 - "Preliminary Investigation and Proposed Development" for \$8,000 with more detail on the expenditures to be undertaken in Phase 2 "Coordination Phase"; and,
- c) That upon satisfactory completion, the appropriate amount be released to the Hamilton Halton-Home Builders' Association on an equal cost shared basis with the Region; and,
- d) That the method of financing for this initiative be recommended by the respective Committees and, be included as an item within each of the City's and the Region's 1997 budgets titled "Downtown Current Budget"; and,
- e) That the Chief Administrative Officer of the City in conjunction with the Regional Chief Administrative Officer negotiate a contract with the Hamilton-Halton Home Builders' Association and provide same for Council approval for Phase 2.

RESPECTFULLY SUBMITTED

MAYOR R. M. MORROW, CHAIRMAN
COMMITTEE OF THE WHOLE

J. J. Schatz, Secretary
1996 October 8

DOWNTOWN HAMILTON "The Heart of Our Communities"

Executive Summary

This document "Downtown Hamilton, The Heart of Our Community", attempts to outline specific directions the City of Hamilton, as well as the Region of Hamilton-Wentworth must undertake if we are to compete, not just survive, within a local, provincial, federal, indeed a global economy.

The efforts of current stakeholders are to be commended, however not unlike our medical practitioners, you don't go to the patient to ascertain what should be prescribed. Those who live and do business within our downtown core have already proven they care, but again, not unlike the failing patient an injection of new blood needs to occur for without it, our downtown will continue this spiralling downward deterioration.

The downtown of Hamilton must have a specific strategic plan devoid of hopeful provincial or federal funding because if we can't look after ourselves, how can we expect others to do it for us. There is a window of opportunity currently available within our community and in order to keep this window open, it will take the combined strength of private interests as well as local government to ensure the strengthening of our centre core, indeed its very viability. Further, the notion that broad directions and goals be established quite simply implies the ideal: "let's think about this", "let's discuss possibilities", "let's review", and so on! Our suggestion to this mind set is Enough is Enough!

The time has come for some group, organization or entity to come forward and put words into action. That is to say who could possibly coordinate, direct, and implement the redevelopment of our downtown say, from James to Wellington, and from Main to Wilson. Think of this area as the true "Heart of Hamilton" with all other streets, roadways, etc. as the veins, that emulate from this area, carrying the needed blood throughout the body we call Hamilton and Hamilton-Wentworth Region.

Make no mistake about it, without a vibrant downtown Hamilton, the region will not survive and we do not in any way mean in political terms.

Finally, in terms of reviewing this issue, it is quite apparent that agreement via

committees or groups or all inclusive task forces will not work. This initiative must be undertaken by a very few whose sole responsibility is to consider every foot of downtown Hamilton in terms of the ultimate goal.

Government intervention where unwarranted must cease, political agendas must be scrapped, those who would stand in the way of improving our downtown, and currently almost anything would be an improvement, must be pushed to the side, if we hope to achieve what some might say is impossible.

Should some of this rhetoric sound like strong or distasteful medicine, then we will revert back to our original premise of The Heart of Our Community because sometimes the saving of a life, metaphorically speaking, takes **STRONG MEDICINE**, which often does not **TASTE SO GOOD**.

CHAPTER ONE

The Prescription

The Hamilton-Halton Home Builders' Association has reviewed the downtown core and believe we may have the prescription for its revitalization and growth. However, to better understand why we would write such a prescription or subscribe such medicine, we must first review and understand the **SYMPTOMS** of our patient.

With this in mind, we will review and kindly understand this is our position on what the symptoms, ailments are, and later we will attempt to prescribe to proper anecdote or medicine. So as to perhaps better understand our views, let it be understood that these matters have been reviewed for some 8 months now by many "key individuals" in the development and building area. Should that create problems from a political or perceptive point of view, our opinion quite frankly, is "TOO BAD", for the simple fact is, who better understands this process than the gentlemen who **BUILT** this community, namely the members of the HHIBA, over the past 54 years, and who has a greater stake in this region and city than this very same group.

Further, you will find many of our points align with the issues those before us have raised or identified. Those issues or symptoms, along with some rhetoric are:

Safety versus Security?

- i) Our downtown is safe, but it appears not to be.

Note

(Being a non-government organization, perhaps we can take liberties not afforded to our elected officials, as well as bureaucrats. Any perceived prejudicial or improper identifications or only meant for purposes of truly identifying segment groups and in no way are meant as derogatory or discriminatory).

One only need to walk our downtown area after 7 or 8 o'clock to see who truly commands those streets. Adolescents ranging from 12 years of age to say 19 for the most part, comprise the majority. This begs the question, but what do we do with them? Well, if they do not reside there or have business there, move them out or conversely, with a proper revitalization, these young adolescents would be assimilated within the overall populace of downtown, reducing the perceived threat. Give them the proper activities to keep them busy, or if they find they are not in control, often they will move on to so called STAKE THEIR OWN TURF!

(Think of Queen Street in Toronto with chalked artisan areas containing portraits, proper graffiti, chalked drawings, large murals, etc.)

Further, an even brighter downtown core with an obvious "INITIAL" police presence via BeatCop or King St. Store Front would be helpful.

ii) Who Wants to Live, Shop, or Establish their Office in Downtown Hamilton

Until this matter is addressed, forget about any development. Development and the term business, although unpalatable to some, are synonymous. Who would develop any property without knowing his/her target market, yet we constantly hear we need to redevelop downtown with no mention of who would reside there or do business there.

Certainly a secure downtown can attract residents, business, and merchants, and if you haven't figured it out by now, note the order of these 3 entities. The reason for this is simple, for unless you get people living downtown first and foremost, as well as a good, solid business base, NO merchant will want to open his/her store, and if they do, their odds for survival are limited at best!

Herein lies the crux of our entire diagnosis of downtown Hamilton. Simply put, for the most part, people shop where or near to where they live or work, so let's leave the retail to the end, not unlike most subdivisions which see the

majority of homes built before commercial enterprises come to be built along the main arterial areas.

(Please think of Limeridge Road East and West at Upper Sherman, Wentworth, Wellington, James, as well as Stonechurch at Upper Ottawa, Gage, Sherman, Wentworth, Wellington, James, Paradise, and all of Upper James.)

In terms of demographics, downtown Hamilton can support initial market sales and rents in the \$80,000 to \$100,000 range/\$600-\$800 per month respectively. As this market fills up with limited supply, higher end product can and will move in the \$120,000-\$180,000 range, or \$800-\$1200 per month respectively via higher end freeholds, condos, studio type apartments.

While this particular chapter is perhaps the most lengthy, it is our determination the most germane to the matter. The issues of taxation can and should be handled in an appropriate manner through legislation and proper market values with increased units spreading tax revenues over a broader area, as well as ample parking can be provided with appropriate design, although it must be clear that excess requirements could and would prove fatal.

Further, a rejuvenated, properly developed downtown would attract people from, first the city of Hamilton, as well as citizens residing in the region and fair parking fees would not be a deterrent from coming downtown. While it would be nice to enclose the entire identified area via some incredible dome to provide a controlled shopping environment, we all know that's not a reality, but making this area a place people want to visit, is.

iii) How Would or Should Our Downtown Look!

Rather than spending hours and hours writing out our position regarding how our downtown will look, let us attempt to address this issue in the simplest of terms. To put it simply, King William Street must be considered and developed as the main chamber or valve within the heart of our downtown core.

Without bringing forward all our recommendations, or should we say choices

of medicine for our critically ill patient, suffice it to say this street is the most conducive to residential development for many reasons. Think of the open spaces along this corridor and the city's ability to help the process.

Again, we are not prepared at this time to play all of our cards for various reasons, but we would ask you to consider such terminology as:

- Brownstones
- Studio Lofts
- Commercial Business Centre
- Satellite offices
- Association Centralization
- Government - Private Sector Facility
- Speak Easies
- Minute Cafes
- Changing Artistic Walkways
- Centre Courtyards
- Private Sponsored Parkettes

Again, rather than detail at this time our specifics we need to consider secure, safe, warm, attractive, consumer/delegate friendly walkways along King - King William. Let's enable delegates to walk along King without feeling they are trapped by North-South Concrete-Brick Wallways and East-West Raceways as motorists vie for the thrill of being the lead car or pole position on their way to the west end, or out of town.

The phrase "Relax - Easy Does It" comes to mind and boy, what a contrast from today's downtown environment. Specifically, Slow Down, or Shut Down King Street from Ferguson to James. Of course, the response most often echoed is, No Way, How Could We, What Would Happen to All that Traffic. Well, if people cannot move east and west through this city along Main, Wilson, and Cannon - York Street respectively, then our response is, Tough.

Ask any business operator or potential resident if they wouldn't prefer a no traffic zone or extremely slowed traffic area running right in the middle of our core area and we would venture there would be an overwhelming vote of Yes, Most Definitely.

In summary, we need to recreate our downtown ATMOSPHERE. Expand walkways, designate UNIQUE transportation vehicles, shop at your leisure, relax for lunch, stroll after dinner, visit the heartbeat of Hamilton for food, fun, relaxation, and knowledge, should be the ideal.

Never mind locking oneself in the Sheraton or Howard Johnson when on conventions or adopting the mind set of "What's the best or quickest way out of the city", rather, think in terms of relax after your concert or sporting event or during your 3 or 4 days in our great warm city.

In summary, it is the position of the HHHBA that Hamilton's downtown can be the vibrant place it once was, but many minds and past approaches must be changed. Government has proven it cannot and should not direct markets. This is a business and as such, should be moulded by those who have the most at stake, as well as the expertise in such matters, i.e. building and developing, which leads us to our final chapter, "Are You Prepared to Hire the Right Physician?"

CHAPTER TWO

"Are You Prepared to Hire the Right Physician"

(HHHBA - M.D. Masters of Development)

RESUME

The Hamilton-Halton Home Builders' Association has an enviable record within the residential construction industry as well as with many elected officials and bureaucrats.

In its storied 54 year history the Association has received many Awards and Honours too numerous to mention here however it should be noted it has received the highest accolades as Local Association of the Year at both the Provincial and National levels.

The many members and Past Presidents of this organization reads like an Honour Roll for the construction industry as well as community commitment and dedication.

Often, the HHHBA has been at the forefront of our industry developing new technologies, marketing approaches and development prototypes as is demonstrated by such initiatives as Student Design Homes, the CHARLIE House, the NEAT Home and much more.

The overall experience and expertise which this organization brings to the table is unparalleled anywhere in the country. The total years of service and knowledge within its grasp is too large to calculate. With this in mind, who better to lead the charge in making our downtown core a safe, attractive, resident/consumer friendly place.

The issues and the cost.

The HHHBA respectfully recommends the following:

- (i) Moving its current office to the downtown core.
- (ii) Providing the expertise and the guidance to aid the City in developing this area through thousands of man hours in volunteer time.
- (iii) Dedicating its Executive Director on an equal basis to spearhead and co-ordinate the downtown development as well as continue to look after designated Association priorities.

- (iv) The establishment of a City/Region/HHHBA working office within the core to concentrate all parties efforts.
- (v) Provide the necessary commitment to co-ordinate the development of Residential, business and retail development throughout the next 18 months.
- (vi) Negotiate a fair and equitable cost sharing arrangement with the municipality currently estimated at \$150,000 to \$180,000 to provide these services.
- (vii) Split the areas of concentration between two entities namely the Region's Economic Development Department and the HHHBA in terms of the Region working on more global issues/interests and the HHHBA spearheading local development.
- (viii) Negotiate with the Region and City to provide appropriate office space within a building associated with the HHHBA.
- (ix) Finalize any and all other pertinent matters prior to entering or contracting such an agreement.

This entire proposal is based on the HHHBA's ability to move its office to the Downtown Core as designated earlier.

Internal Use

DOWNTOWN REDEVELOPMENT

PROPOSED DRAFT BUDGET

TOTAL BUDGET PROPOSED

\$180,000

The following line items are my estimated costs combining actual revenues which will be expended by our organization as well as the approximate values of donations in kind in terms of volunteer services as well as professional expertise that members have agreed to underwrite in an effort to help the City as well as the industry.

BUDGET	TOTAL	CASH
PHASE 1		
Preliminary Investigation (site review, concept development, renderings, mapping, capital investors, balding potentials, partnering joint ventures, meetings, etc.)	\$25,000	\$ 5,000
Proposed Development (documentation, meetings, phasing, map coding, overall concept proposal)	\$10,000	\$ 3,000
PHASE 2 - <u>Coordination Phase</u>		
Site Planning 2 - 3 Firms	\$50,000	\$20,000
Building(s) Design	\$40,000	\$15,000
Architectural	\$40,000	\$20,000
Investor Development	\$20,000	\$10,000
Overall Macro Design	\$25,000	\$10,000
Office Development	\$20,000	\$10,000
Project Marketing (news, editorial, flyer, meetings, etc.)	\$40,000	\$ 8,000
HHHBA support - internal support (vis a vis redefine EO's responsibilities and staff required to fulfill)	\$60,000	\$35,000
Clerical Support	\$30,000	\$10,000
Project Coordination	\$40,000	\$15,000
Special Events/Promos	\$20,000	\$ 9,000
Office Supply	\$15,000	\$10,000
	\$435,000	\$180,000

1996 October 29

Minutes of Hamilton City Council

Tuesday, 1996 October 29

7:30 o'clock p.m.

Council Chamber, City Hall

URBAN MUNICIPAL

NOV 8 1996

The Council met:

Present: Mayor Morrow.

Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson,
Eisenberger, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross.

GOVERNMENT DOCUMENTS

Mayor Morrow called the meeting to order.

* * * * *

The National Anthem was played.

* * * * *

Pastor Jacques Fortin, Notre Dame Perpetual Secours Church led Council in prayer.

ADOPTION OF MINUTES

The minutes of the meeting held 1996 October 8 were adopted as circulated.

PRESENTATIONS

Mayor R. M. Morrow introduced Mr. Pat Collins, Publisher of The Spectator to the Members of Council and gratefully accepted a duplicate cheque in the amount of \$100,000 US Funds payable to the National Hockey League to cover the cost of the city's bid to be presented at the upcoming meeting of the National Hockey League Board of Governors in New York City.

* * * * *

Mayor R. M. Morrow acknowledged in attendance the following:

Hamilton Beautification Volunteer Committee headed by Chairman, Dale Chapman, and;
Volunteer Pink Trillium Judges and Red Trillium Selection Panel.

* * * * *

Mayor R. M. Morrow presented Certificates of Recognition to the following for their participation as corporate partners for funding the operating costs of the Hamilton Beautification Awards Program:

The Spectator, Union Gas, Landscape Ontario, Dofasco, Metropolitan Hamilton Real Estate Board, and Mills Lighthouse.

* * * * *

Mayor R. M. Morrow presented the Commercial/Utility Award to Taco Bell, 460 Main Street West to Karen Mulholland and Steve Figliola.

* * * * *

Mayor R. M. Morrow presented the Pink Trillium Awards to:

Ward 1	212 Ewen Road - Regina Pakalniskis
Ward 2	104 Aberdeen - Marvin Sheppard, Joan Breckles
Ward 3	64 Prospect S. - Kirk Slattery, Mary Fisher-Slattery
Ward 4	69 Fairfield - Ellen Nagata
Ward 5	187 Stewartdale - Irene Russ
Ward 6	91 Milkyway - James and Anna Gibson
Ward 7	1 Belvidere - Ed and Patty Duarte
Ward 8	144 Laurier - Jacqueline Kotzer

* * * * *

Mayor R. M. Morrow presented the Red Trillium Award to 104 Aberdeen Avenue, Marvin Sheppard and Joan Breckles.

CORRESPONDENCE

1. Application dated 1996 October 1 from 1099689 Ontario Ltd. c/o Micor Developments Inc., 55 Frid Street, Hamilton for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for lands located south of Kordun Street and west of Upper Paradise.

Received.

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Reports of the Parks and Recreation Committee, the Planning and Development Committee, the Finance and Administration Committee, and the Committee of the Whole, be considered in Committee of the Whole with Alderman Anderson in the chair.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -17

NAYS: -0.

CARRIED.

PARKS AND RECREATION COMMITTEE - FOURTEENTH REPORT

Section 7 Re: Special Occasion Permit for Ivor Wynne Stadium - 1996 Grey Cup

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Collins, Charters, Merling, Anderson, D'Amico, Ross. -16.

NAYS: Alderman Jackson. -1.

CARRIED.

* * * * *

Section 8 Re: Rule No. 9 - Contract - Harm Schilthuis & Sons - Brampton St. and Red Hill Creek.

It was moved by Alderman Eisenberger and seconded by Alderman Collins that Rule No. 9 of the City's Procedural By-law No. 95-167 be invoked for this meeting of City Council in order to allow the introduction of a resolution respecting a contract with Harm Schilthuis and Sons Limited concerning the construction and placement of a pedestrian/vehicle bridge at Brampton Street and Red Hill Creek.

CARRIED.

* * * * *

Section 8 Re: Contract - Harm Schilthuis & Sons - Brampton St. and Red Hill Creek.

It was moved by Alderman Eisenberger and seconded by Alderman Collins that the Fourteenth Report of the Parks and Recreation Committee for 1996 be amended by adding the following as Section 8.

- "(a) That approval be given to enter into a contract with Harm Schilthuis and Sons Limited, Ancaster, in the amount of \$135,500 plus \$8,000 contingency plus \$10,045 GST, for the construction and placement of a pedestrian/vehicle bridge at Brampton Street and Red Hill Creek, being the lowest acceptable of 4 tenders received in accordance with specifications C15-27-96 issued by the Purchasing Division and Vendor's tender; and,
- (b) That the amount of \$153,545 for the bridge construction be funded from CF5255 639553028 - Red Hill Valley Trails; and,
- (c) That a contract satisfactory to the City Solicitor be entered into between the City and Harm Schilthuis and Sons Limited; and,
- (d) That the Mayor and City Clerk be authorized to execute the contract on behalf of the City."

CARRIED.

* * * * *

Section 9 Re: Rule No. 9 - Agreement with the Ministry of Transportation

It was moved by Alderman Eisenberger and seconded by Alderman Collins that Rule No. 9 of the City's Procedural By-law No. 95-167 be invoked for this meeting of City Council in order to allow the introduction of a resolution respecting an Agreement between the City of Hamilton and the Ministry of Transportation for the Province of Ontario concerning the use of MTO lands for recreational purposes forming part of the Red Hill Valley Trail System located at No. 570 Nash Road North, Hamilton.

CARRIED.

* * * * *

Section 9 Re: Agreement with the Ministry of Transportation

It was moved by Alderman Eisenberger and seconded by Alderman Collins that the Fourteenth Report of the Parks and Recreation Committee for 1996 be amended by adding the following as Section 9.

- "(a) That the City of Hamilton enter into an Agreement with The Ministry of Transportation for the Province of Ontario for the use of their lands for recreational purposes forming part of the Red Hill Valley Trail System, located at No. 570 Nash Road North, Hamilton, more particularly described as that part of Lot 28, Broken Front Concession, in the geographic Township of Saltfleet, described as the easterly 3.0 metres in perpendicular width of Part 2 on Plan R-196, the trail being 3 metres (10 feet) more or less, in width and having a length of 480 metres (1,575 feet) more or less, cross the MTO lands, comprising a total area of 1,440 square metres (15,500 square feet) more or less and that the payment of this agreement of \$1 be charged to Account No. CF 639553028 (Red Hill Valley Trail); and,
- (b) That the Agreement be subject to the following terms:
- (i) all costs for construction, maintenance and repair of the trail works be at no cost to the MTO; and,
 - (ii) the agreement, all or in part, be able to be terminated upon sixty (60) calendar days written notice from the MTO or the City; and,
 - (iii) upon termination all rights, title and interest in that portion of the trail works terminated be conveyed for a nominal fee of \$1 from the City of Hamilton to the MTO; and,
- (c) That the Mayor and City Clerk be authorized and directed to execute the necessary documents in a form satisfactory to the City Solicitor."

CARRIED.

PLANNING & DEVELOPMENT COMMITTEE - SEVENTEENTH REPORT
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Section 3(c) Re: Appendix "E"

It was moved by Alderman Drury and seconded by Alderman D'Amico that Appendix "A" subsection (d) of Appendix "E" as referred to in Section 3 (c) of the Seventeenth Report of the Planning and Development Committee for 1996 be amended by changing the Interest on arrears from "6% per annum compounded annually" to the following:

"Interest on arrears: 12.9996% per annum or such tax arrears interest rate established by Council" **CARRIED.**

FINANCE & ADMINISTRATION COMMITTEE - SEVENTEENTH REPORT

Section 5 Re: Minister of Health - Hamilton Health Sciences Corporation - Petition

It was moved by Alderman Copps and seconded by Alderman Wilson that the following be added as Sub-section (b) of Section 5 of the Seventeenth Report for 1996 of the Finance and Administration Committee:

- (b) That copies of this resolution be forwarded to all local members of the Provincial Legislature, Regional Council and Members of the new Hospital Board. **Carried Unanimously.**

Recorded vote as amended.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -16.

NAYS: -0.

CARRIED.

* * * * *

Section 6 Re: Acquisition of lands - 571 Kenilworth Avenue

It was moved by Alderman Charters and seconded by Alderman Copps that Section 6 of the Seventeenth Report for 1996 of the Finance and Administration Committee be amended to add the following words at the end of sub-section (a): "at an upset limit of \$60,000 to sign an Offer to Purchase no later than 1997 January 15th".

Recorded vote as amended.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Collins, Jackson, Merling, Anderson, D'Amico, Ross. -16.

NAYS: Alderman Charters. -1.

CARRIED.

* * * * *

Section 14 Re: Rule No. 9 - Hosting of Canadian Open Martial Arts Championships

It was moved by Alderman Charters and seconded by Alderman Merling that Rule No. 9 of the Procedural By-law No. 95-167 be invoked for this meeting of City Council in order to permit consideration of a resolution respecting the Canadian Open Martial Arts Championships being held at Sherwood High School on 1996 November 16th and 17th. **CARRIED.**

* * * * *

Section 14 Re: Hosting of Canadian Open Martial Arts Championships

It was moved by Alderman Charters and seconded by Alderman Merling that the following be added as Section 14 of the Seventeenth Report for 1996 of the Finance and Administration Committee as follows:

14. (a) That approval be given to an amount of \$300 for Joslin's Karate and Kickboxing Ltd. to assist in the hosting of the Canadian Open Martial Arts Championships being held at Sherwood High School on 1996 November 16th and 17th; and
- (b) That funding for this amount be derived by an approved overdraft of the Convention/Reception Grant Allocation Account Number CH5A050 20020.

CARRIED.

COMMITTEE OF THE WHOLE - SEVENTH REPORT

Section 1 (a) Re: H.E.C.F.I. - National Hockey League - formal bid

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -17.

NAYS: -0.

CARRIED.

* * * * *

Section 1 (b) Re: H.E.C.F.I. - Application to Province of Ontario to own sports franchise

Recorded vote.

YEAS: Mayor Morrow, Aldermen Caplan, Agro, McCulloch, Drury, Morelli, Wilson, Eisenberger, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross. - 15.

NAYS: Aldermen Kiss, Copps. -2.

CARRIED.

RESOLUTIONS

Rule No. 9 Re: Hamilton Health Sciences Corporation

It was moved by Alderman Eisenberger and seconded by Alderman Caplan that Rule No. 9 of the City's Procedural By-law be invoked for this meeting of City Council in order to permit consideration of a resolution respecting the Hamilton Health Sciences Corporation.

CARRIED.

* * * * *

Re: Hamilton Health Sciences Corporation

It was moved by Alderman Eisenberger and seconded by Alderman Caplan that the following motion be referred to the Finance and Administration Committee:

"That Council be requested to not forward the remaining allocated funds budgeted for in 1985 for the Chedoke-McMaster Hospitals".

CARRIED.

ACTING MAYOR FOR THE MONTH OF NOVEMBER, 1996

It was moved by Alderman Kiss and seconded by Alderman Caplan that Alderman F. D'Amico be appointed Acting Mayor for the month of November, 1996. **CARRIED.**

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Report of the Committee of the Whole on the Reports of the Parks and Recreation Committee, the Planning and Development Committee, the Finance and Administration Committee, the Committee of the Whole and resolutions be adopted.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -17.

NAYS: -0.

CARRIED.

City Council then adjourned at 9:30 o'clock p.m.

Taken as read and approved.

MAYOR R. M. MORROW

J. J. Schatz
1996 October 29
JJS/dg

REPORT OF THE PARKS AND RECREATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Parks and Recreation Committee presents its **FOURTEENTH** Report for 1996 and respectfully recommends:

1. (a) That approval as required by Parks By-law No. 95-126, Section 43(1) be given to the Director of Culture and Recreation to post advertising signage at the Chedoke Winter Sports Park for the 1996-1997 Ski Season (1996 December 18 - 1997 March 2); and,

 (b) That the Director of Culture and Recreation be authorized to solicit for advertisers at the Chedoke Winter Sports Park at the rates as outlined in Appendix "A" attached hereto.
2. That authorization be given to the Director of Culture and Recreation to enter into a License Agreement satisfactory to the City Solicitor between the Corporation of the City of Hamilton and Lloyd D. Jackson Square for use of mall space by members of the First Night Art Show Committee to host the First Night Art Show during the month of December.
3. That approval as required by Parks By-law No. 95-126, Section 29 be granted to the Grey Cup Hamilton Inc. to use the existing parking lot facility off of Lawrence Road and ball diamond area of Gage Park for Game Day parking requirements, 1996 November 24, subject to the following terms and conditions:
 - (a) That proof of \$5 million Comprehensive Liability Insurance for Property Damage and Bodily Injury be provided, same to be submitted thirty (30) days in advance of the event and naming the City as co-insured with a cross liability endorsement; and,
 - (b) That the applicant assumes responsibility for all labour-related charges associated with the event, (set-up, dismantling, clean-up, damages, snow removal, etc.); and,
 - (c) That Special Duty Officers, as deemed necessary, by the Hamilton-Wentworth Regional Police, be provided at the applicant's expense; and,

- (d) That the terms and conditions be reviewed and monitored by the Special Events/Festival Advisory Team.
- 4.
 - (a) That the guidelines for the Hamilton Arts Award as outlined in "Appendix B", attached hereto, be approved; and,
 - (b) That the Director of the Department of Culture and Recreation be requested to include the additional funding in the approximate amount of \$2,850 for consideration in the Department's 1997 current budget submission.
 - 5. That the Director of Culture and Recreation be authorized to recover \$35 to offset the cost of printing, updating and distributing the Barrier Free Design Standards document from persons and/or organizations who wish to acquire the document for their own use.
 - 6.
 - (a) That the Director of Culture and Recreation be authorized to install six 4'x 8' painted wooden murals, for a minimum one-year period, on the fence owned by Ontario Hydro between the Elgin Transformer Station and the eastern side of Beasley Park at an estimated cost of \$1,700 to be financed from Account Nos. CF5200 709441025 and CF5301 709441025; and,
 - (b) That the Director of Culture and Recreation be authorized, on behalf of the City of Hamilton, to execute an agreement with Ontario Hydro which acknowledges that Ontario Hydro accepts no responsibility or liability for damage or personal injury resulting from the Beasley Park murals being attached to their fence.
 - 7.
 - (a) That the City of Hamilton, join with Versa Services Ltd., Grey Cup 1996 Hamilton Inc. and The Canadian Football League in an application for a Special Occasion Permit for Ivor Wynne Stadium to serve beer at the Stadium on 1996 November 24; and,
 - (b) That the City of Hamilton approves of the application of Versa Services Ltd. of Etobicoke, the Corporation of the City of Hamilton, the Canadian Football League, and Grey Cup 1996 Hamilton Inc. as joint licensees for a liquor sales licence to permit sales from kiosks, but not direct sales in the grandstand at Ivor Wynne Stadium, for the 1996 Grey Cup November 24; and,

- (c) That Versa Services Ltd., The Canadian Football League or Grey Cup 1996 Hamilton Inc. provide the City with an Insurance Certificate acceptable to the City Solicitor, indicating General Liability and Liquor Liability Insurance in the amount of \$10 million and naming the City as an Additional Insured.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Collins, Charters, Merling, Anderson, D'Amico, Ross. -16.

NAYS: Alderman Jackson. -1.

CARRIED.

8. (a) That approval be given to enter into a contract with Harm Schilthuis and Sons Limited, Ancaster, in the amount of \$135,500 plus \$8,000 contingency plus \$10,045 GST, for the construction and placement of a pedestrian/vehicle bridge at Brampton Street and Red Hill Creek, being the lowest acceptable of 4 tenders received in accordance with specifications C15-27-96 issued by the Purchasing Division and Vendor's tender; and,
- (b) That the amount of \$153,545 for the bridge construction be funded from CF5255 639553028 - Red Hill Valley Trails; and,
- (c) That a contract satisfactory to the City Solicitor be entered into between the City and Harm Schilthuis and Sons Limited; and,
- (d) That the Mayor and City Clerk be authorized to execute the contract on behalf of the City. **ADDED.**
9. (a) That the City of Hamilton enter into an Agreement with The Ministry of Transportation for the Province of Ontario for the use of their lands for recreational purposes forming part of the Red Hill Valley Trail System, located at No. 570 Nash Road North, Hamilton, more particularly described as that part of Lot 28, Broken Front Concession, in the geographic Township of Saltfleet, described as the easterly 3.0 metres in perpendicular width of Part 2 on Plan R-196, the trail being 3 metres (10 feet) more or less, in width and having a length of 480 metres (1,575 feet) more or less, cross the MTO lands, comprising a total area of 1,440 square metres (15,500 square feet) more or less and that the payment of this agreement of \$1 be charged to Account No. CF 639553028 (Red Hill Valley Trail); and,
- (b) That the Agreement be subject to the following terms:

- (i) all costs for construction, maintenance and repair of the trail works be at no cost to the MTO; and,
 - (ii) the agreement, all or in part, be able to be terminated upon sixty (60) calendar days written notice from the MTO or the City; and,
 - (iii) upon termination all rights, title and interest in that portion of the trail works terminated be conveyed for a nominal fee of \$1 from the City of Hamilton to the MTO; and,
- (c) That the Mayor and City Clerk be authorized and directed to execute the necessary documents in a form satisfactory to the City Solicitor. **ADDED.**

Respectfully Submitted,

**ALDERMAN F. EISENBERGER, CHAIRMAN
PARKS AND RECREATION COMMITTEE**

Kevin C. Christenson, Secretary

1996 October 22

Appendix "A" as referred to
Section 1 of the FOURTEENTH
Report of the Parks and Recreation
Committee for 1996

**Chedoke Winter Sports Park
1996/97 Advertising Opportunities**

Proposed Rates:

Major Advertising Opportunities:

6' by 4' Advertising Signage - \$1,500

Minor Advertising Opportunities: (located on Tow Towers)

3' by 2' Advertising Signage - \$750

Season: 10.5 weeks

1996 December 18 - 1997 March 2

Appendix "B" as referred to in
Section 4 of the FOURTEENTH
Report of the Parks and Recreation
Committee for 1996

Guidelines for the 1997 Hamilton Arts Award

1.0 Arts History/Archives

In order to recognize and compile a heritage history for the arts in Hamilton; a record which will be available to scholars, students and future generations:

- 1.1 Establish a detailed data base on all winners of the award.
- 1.2 Commission a professional photographer to provide a framed portrait of each year's winner.
- 1.3 Produce the information thus gathered in a booklet form, to be published periodically.

2.0 Recognition - Certificates of Recognition

2.1 Establish a certificate programme to acknowledge the broad spectrum of the FINE ARTS and CULTURAL INDUSTRIES in Hamilton and their significant contributions to the community. To be considered are the following categories which may or may not be recognized in any given year, at the discretion of the committee:

- a) up to three sponsors/partners within the business community each year
- b) significant donations of artwork to institutions within the City, as well as to the City itself in the nature of art for public places
- c) innovative directions and joint ventures taken to support the development of the City's arts community
- d) outstanding arts contributions to the City made by organizations and/or visual, literary, musical and performing artists.

2.2 Present the certificates in conjunction with the Hamilton Arts Award ceremony.

3.0 Process

- 3.1 The **Call for Nominations** shall be advertised in the Spectator and Artsbeat, on Cable 14, CHCH, radio stations, at the Boards of Education and other major educational institutions, as well as be sent to the boards of directors of Hamilton's arts organizations. This list is to be reviewed/updated on a regular basis.

3.2 Nomination packages shall consist of:

- the completed nomination form
- a current curriculum vitae of the nominee
- any available copies of other forms of public recognition
- three additional letters of endorsement.

3.3 These nominations may be made by **an individual or an organization.**

PLEASE NOTE: Members of the Arts Advisory Commission itself are not eligible for the award. The Commission is the selection body.

3.4 Nomination forms must be received by the published deadline.

3.5 The award presentation shall be scheduled to occur at approximately the same time each year, ideally to coincide with the close of the programming season in June.

4.0 Criteria

4.1 All nominees shall have a documented history of volunteer work in the community.

4.2 The nature of the professional artistic work of the nominees shall demonstrate excellence and recognized achievements, as well as long-standing dedication to Hamilton's arts community.

5.0 Awards

5.1 The specially-designed bronze medallion, made by the artist Dora DePedery Hunt, shall be engraved on the reverse with the winner's name.

5.2 There shall be presented to the award recipient a cheque in the amount of five hundred dollars.

5.3 All nominees shall receive specially-designed certificates of recognition.

6.0 Presentation

6.1 A sub-committee of the Arts Advisory Commission shall be struck to orchestrate the awards presentation events. The mandate of this sub-committee shall include the consistent purpose of raising the status of this celebration to an ever higher level, with the objective in mind of a self-supporting gala evening.

6.2 Parks and Recreation Committee and City Council shall be informed that a winner's name has been selected.

6.3 There shall be an annual award ceremony consisting of two parts:
a) at a special **presentation event**, and

- b) at a meeting of City Council.
- 6.4 The event itself shall include, if applicable:
 - a) the announcement of the winner
 - b) special recognition certificates to the business community
 - c) certificate of recognition to each nominee.
- 6.5 The guest list is to include:
 - a) elected officials
 - b) Arts Advisory Commission
 - c) cultural employees, nominees, guests, nominators, relevant organizations
 - d) invited guests.
- 6.6 Advance public information about the event shall announce the names of the nominees and also urge attendance at the event.
- 6.7 The location of the event shall, as much as possible, remain consistent from year to year in a public location such as the Piano Nobile Lounge at Hamilton Place.
- 6.8 At the City Council meeting following this event, the winner and all nominees shall be recognized, followed by a small reception at City Hall for the winner, nominees, families, friends, Arts Commission, and representatives of arts organizations with which the nominees are affiliated.

7.0 Name of the Award

- 7.1 A new name for the award shall be considered.
-

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Planning and Development Committee presents its **SEVENTEENTH** Report for 1996 and respectfully recommends:

1. That Application CD-96-001 under the Rental Housing Protection Act, 977340 Ontario Ltd. (Richard Edwards), owner, for conversion of 25 rental row house units to condominium units for the property located at 1088-1120 Garth Street and 101-117 Bonaventure Drive, as shown on the attached key map, be approved on the following conditions:
 - (a) That the Owner offer, in writing, to the Tenants residing at the premises on the date of Council's approval, the right to lease their current unit, noted in Appendix "A", for a period of not less than three years from the registration on title of the Rental Housing Protection Act (RHPA) Approval Agreement required below, at the rent rate set out in Appendix "A", upon the following minimum terms:
 - (i) the Offer shall be open for acceptance by the Tenants for a period of 30 days from the date the Offer is sent;
 - (ii) the City will send the Offer, by registered mail, to the tenants residing at the premises as of the date of Council approval of the RHPA application, immediately following the expiration of the appeal period of the Council approval;
 - (iii) that leases entered into as a result of (i) and (ii) above, be executed prior to the City's execution of the RHPA Approval Agreement;
 - (iv) that the Tenants' rent shall not be increased during the duration of the lease but for increases permitted under the Residential Rent Regulation Act, as amended;
 - (iv) that such leases shall commence no later than the date the Rental Housing Protection Act Approval Agreement with the City is registered on title; and,

- (v) that the Tenants' may terminate the said lease at any time on 60 days written notice, without penalty.
- (b) That the Owner grant to the Tenants residing at the premises as of the date of Council approval of the RHPA application an Option to Purchase a Unit specified in Appendix "A", (together with appurtenant interests). Such Option shall allow each tenant at least three years from the registration on title of the RHPA Approval Agreement to exercise their Option to purchase a unit. Within forty-five (45) days of a Tenant's Notice that it is exercising the Option, the Owner and Tenant shall negotiate and enter into an Agreement of Purchase and Sale form, in a form acceptable to the Hamilton Real Estate Board, with the necessary amendments for the sale of a Unit by the Owner;
- (c)
 - (i) That the City send by registered mail to the tenants residing at the premises as of the date of the Council approval of the RHPA application, the Option to Purchase details set by City Council; and,
 - (ii) That the notice indicated in section (i) above shall be sent immediately following the expiration of the appeal period of the Council approval; and,
 - (iii) That the tenants noted in (i) above shall be given 30 days from the date of the letter sent by the City to notify the City whether they are or are not interested in further considering the option.
- (d) That this RHPA approval shall cease and be at an end,
 - (i) if the Owner has sold the land without entering and registering the RHPA Approval Agreement with the City; and,
 - (ii) in any event, within five years from the date of this approval resolution of Council, unless the Owner has prior to such date, registered a Plan of Condominium in accordance with the applicable legislation and any conditions imposed by the City of Hamilton;
- (e) That the Owner shall enter into a RHPA Approval Agreement with the City satisfactory in form to the City Solicitor, incorporating the City's conditions of approval listed herein (and in Appendices "A", and "B" annexed hereto) and register such Agreement on title to the subject property prior to the issuance of the RHPA Certificate of Approval;

- (f) In the event that the Owner proposes to sell all of the subject lands, he shall ensure that any prospective new land owner of the whole property, enters into an assumption agreement to assume the obligations of the Owner herein;
- (g) That the Owner provide the City Solicitor with satisfactory evidence that any and all mortgagees of the property consent to the Rental Housing Protection Act (RHPA) application; and,
- (h) That the Owner pay all outstanding taxes owing to the City before the issuance of the RHPA Certificate of Approval.

That upon satisfaction of the above-noted conditions, the City Clerk be authorized to execute the Certificate of Approval in a form satisfactory to the City Solicitor.

- 2.
 - (a) That the Master Plan for Ferguson Avenue, entitled "The Revitalization of Ferguson Avenue" as prepared by JSW+ Associates dated October, 1996, be adopted.
 - (b) That the Capital Works for the portion of Ferguson Avenue between King Street and King William Street be forwarded for inclusion and consideration in the 1997-2006 Capital Budget;
 - (c) That staff of the Planning and Development Department be directed to prepare the Official Plan Amendment to establish Ferguson Avenue as a Special Policy Area to the Official Plan;
 - (d) That the proposed changes to the Corktown Neighbourhood Plan be referred to the Corktown Neighbourhood Plan Advisory Committee; and,
 - (e) That the Staff report dated 1996 October 16 be appended to the Ferguson Avenue Master Plan for implementation.
- 3.
 - (a) That a Downtown Hamilton Community Improvement Project Area be designated as per the attached Appendix "D"; and,
 - (b) That the City Solicitor be authorized to prepare the necessary By-law for (a) above; and,

- (c) That the Downtown Hamilton Community Improvement Plan attached as Appendix "E" be adopted, in order to implement the Hamilton Downtown Convert/Renovation-to-Rent Loan Program as well as refund zoning, building permit, building permit, site plan and parkland dedication fees; and,
 - (d) That the Downtown Hamilton Community Improvement Plan be submitted to the Ministry of Municipal Affairs and Housing for the appropriate approval; and,
 - (e) That the City Solicitor be authorized to prepare the requisite By-law for (c) above.
4. That the Albion Falls Neighbourhood Plan be approved as amended by the attached Proposed Plan (attached hereto as Appendix "F") and associated special policies.
5. That the City Solicitor be authorized and directed to prepare an amendment to By-law 93-167 to authorize permits and fees by adding Item 1(a) to Schedule "A", as follows:
- 1(a) permit for the construction of barrier-free access in existing single and two family dwellings \$0.
6. That the appropriate City Staff be authorized to defend the position taken by the Committee of Adjustment with respect to Application No. A-96:207 for Ivor Wynne Stadium.
7. (a) That the request by Sergio Manchia, on behalf of DiCenzo Construction, to delete the 9.0 m walkway, shown as Block 40 on the Draft Approved Plan of Subdivision attached as Appendix "G", Regional File No. 25T-89037, be approved and that the conditions of draft plan approval, as requested by the City of Hamilton, be revised as follows:
- (i) That condition (a) be amended accordingly to delete reference to Block 40, the 9.0m wide walkway;
 - (ii) That condition (b) be amended accordingly to delete reference to the public walkway;

- (ii) That condition (h) be deleted in its entirety;
 - (b) That the approved Falkirk East Neighbourhood Plan be amended to remove the walkway located between the extension of Sundown Drive and the adjacent high school; and,
 - (c) That the City Clerk be directed to advise the Commissioner of the Regional Environment Department of Council's decision.
8. (a) That By-law No. 95-045 appointing the Ottawa Street B.I.A. Board of Management be amended to delete the following names:
- | | |
|----------------|-----------------------------|
| Edith Desmairs | Gregory's Flower Shop |
| Gerald Carrey | Howard's Flower Shop |
| Michael Keir | Surplus Plus Discount Store |
- and add the following:
- | | |
|-----------------|-----------------------------|
| Mary Keir | Surplus Plus Discount Store |
| Dan Kwiatkowski | Beach Road Meats |
- (b) That the City Solicitor be authorized and directed to amend By-law No. 95-045 pursuant to (a) above.
9. That the Building Commissioner be authorized to issue a demolition permit for 11 Upper Paradise Road in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.
10. That the Building Commissioner be authorized to issue a demolition permit for 171 Glow Avenue in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.
11. (a) (i) That a secured loan in the amount of twenty-five thousand dollars (\$25,000) to Derek Scanlin, carrying on business as Barton Bubbles, for improvements to 363 Barton Street East be approved subject to the fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 2.75 per cent, amortized over 10 years; and,

- (ii) That a grant from the Barton Street Revitalization Fund in the amount of twelve thousand, five hundred dollars (\$12,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program.
 - (b)
 - (i) That an unsecured loan from the Barton Street Revitalization Fund in the amount of five thousand dollars (\$5,000) to Derek Scanlin, carrying on business as Barton Bubbles, exterior storefront improvements to 363 Barton Street East be approved, subject to the fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 2.75 per cent, amortized over 10 years; and,
 - (ii) That a grant from the Barton Street Revitalization Fund in the amount of two thousand and five hundred dollars (\$2,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program.
12. (a) That the request by John Parente, Solicitor for 822827 Ontario Inc., owner, to remove part-lot control be approved to establish maintenance easements on Lots 1 - 19, inclusive, located in "Allison Estates - Phase 1, Stage 2", as shown on the attached map marked as Appendix "H";
- (b) That the appropriate by-law to remove part lot control from Lots 1 to 19 inclusive, Registered Plan 62M-795, "Allison Estates - Phase 1, Stage 2" plan of subdivision, be enacted by Council; and,
- (c) That following the enactment of the by-law, the Regional Municipality of Hamilton-Wentworth (as delegate of the Minister of Municipal Affairs) be requested to grant approval to the by-law and endorse the same on the by-law.
13. That the City of Hamilton accept the sum of \$30,000.00 as cash payment in lieu of 5% land dedication in connection with "San Lorenzo Heights - Phase 2", Hamilton, this being the cash payment required under Section 51 of the Planning Act.

14. That Item Four of the Fourteenth Report of the Planning and Development Committee, as adopted by City Council on September 24, 1996, respecting the removal of the administrative direction associated with the former site plan control condition for ZA-96-07 988 Upper Paradise Road, be amended to delete Subsection (vi).
15.
 - (a) That the report of the Conservation Review Board hearing held 1996 May 9 recommending the designation of the Lister Block at 28-44 James Street North/5-21 King William Street, be adopted, and that the property as outlined in the Reasons for Designation attached hereto and marked as Appendix "I", be designated pursuant to the provisions of the Ontario Heritage Act, R.S.O. 1990; and,
 - (b) That the appropriate By-law designating the property at 28-44 James Street North/5-21 King William Street be adopted; and,
 - (c) That the Mayor be requested to send a letter to the Historic Sites and Monuments Board of Canada requesting that the Lister Block, located at 28-44 James Street North/5-21 King William Street, be evaluated for recognition as a National Historic Site.
16. That a Heritage Permit be approved for two generic letter signs to read "NEWSSTAND & PARCEL CHECK" and "PARCEL CHECK" to be installed on the bulkheads over the roll-down metal doors in the south-west and south-east corners of the concourse of the Hamilton GO Centre located at 36 Hunter Street East, Hamilton.
17. That the following Bills be adopted, signed, sealed and enrolled as By-laws:
 - (a) C-60 A By-law to Amend Zoning By-Law No. 6593 Respecting Lands Located West of Upper Paradise Road, South of Stone Church Road West and North of Rymal Road, known municipally as 988 Upper Paradise Road.
 - (b) C-61 A By-law to Remove Land within the "Allison Estates - Phase I, Stage 2" Subdivision, Plan 62M-795 from Part Lot Control.

- (c) C-62 A By-law to Designate Land Located at Municipal Nos. 28-44 James Street North/5-21 King William Street (Lister Block) as Property of Historic and Architectural Value and Interest.

Respectfully submitted,

**ALDERMAN D. DRURY, CHAIRPERSON
PLANNING AND DEVELOPMENT COMMITTEE**

**Tina Agnello, Secretary
1996 October 23**

APPENDIX "A"

LIST OF UNITS BY ADDRESS AND APPLICABLE MONTHLY RENT

Unit 1
1088 Garth Street
Hamilton, Ontario
L9C 4L7

Monthly Rent: \$780.00

Unit 2
1090 Garth Street
Hamilton, Ontario
L9C 4L7

Monthly Rent: \$731.44

Unit 3
1092 Garth Street
Hamilton, Ontario
L9C 4L7

Monthly Rent: \$720.00

Unit 4
1094 Garth Street
Hamilton, Ontario
L9C 4L7

Monthly Rent: \$727.34

Unit 5
1096 Garth Street
Hamilton, Ontario
L9C 4L7

Monthly Rent: \$765.88

Unit 6
1098 Garth Street
Hamilton, Ontario
L9C 4L7

Monthly Rent: \$780.00

Unit 7
1102 Garth Street
Hamilton, Ontario
L9C 4L7

Monthly Rent: \$754.30

Unit 8
1104 Garth Street
Hamilton, Ontario
L9C 4L7

Monthly Rent: \$709.00

Unit 9
1106 Garth Street
Hamilton, Ontario
L9C 4L7

Monthly Rent: \$780.00

Unit 10
1108 Garth Street
Hamilton, Ontario
L9C 4L7

Monthly Rent: \$780.00

The names of the tenants are not included as part of this APPENDIX for reasons of confidentiality.

Unit 11
1110 Garth Street
Hamilton, Ontario
L9C 4L7

Monthly Rent: \$774.09

Unit 13
1120 Garth Street
Hamilton, Ontario
L9C 4L7

Monthly Rent: \$780.00

Unit 15
1120 Garth Street
Hamilton, Ontario
L9C 4L7

Monthly Rent: \$759.32

Unit 17
115 Bonaventure Drive
Hamilton, Ontario
L9C 4P8

Monthly Rent: \$790.00

Unit 19
111 Bonaventure Drive
Hamilton, Ontario
L9C 4P8

Monthly Rent: \$736.35

Unit 21
107 Bonaventure Drive
Hamilton, Ontario
L9C 4P8

Monthly Rent: \$780.00

Unit 12
1120 Garth Street
Hamilton, Ontario
L9C 4L7

Monthly Rent: \$780.00

Unit 14
1120 Garth Street
Hamilton, Ontario
L9C 4L7

Monthly Rent: \$715.03

Unit 16
117 Bonaventure Drive
Hamilton, Ontario
L9C 4P8

Monthly Rent: \$780.00

Unit 18
113 Bonaventure Drive
Hamilton, Ontario
L9C 4P8

Monthly Rent: \$780.00

Unit 20
109 Bonaventure Drive
Hamilton, Ontario
L9C 4P8

Monthly Rent: \$721.65

Unit 22
101 Bonaventure Drive
Hamilton, Ontario
L9C 4P8

Monthly Rent: \$805.00

The names of the tenants are not included as part of this APPENDIX for reasons of confidentiality.

Unit 23
101 Bonaventure Drive
Hamilton, Ontario
L9C 4P8

Monthly Rent: \$750.00

Unit 24
101 Bonaventure Drive
Hamilton, Ontario
L9C 4P8

Monthly Rent: \$765.88

Unit 25
101 Bonaventure Drive
Hamilton, Ontario
L9C 4P8

Monthly Rent: \$733.12

The names of the tenants are not included as part of this APPENDIX for reasons of confidentiality.

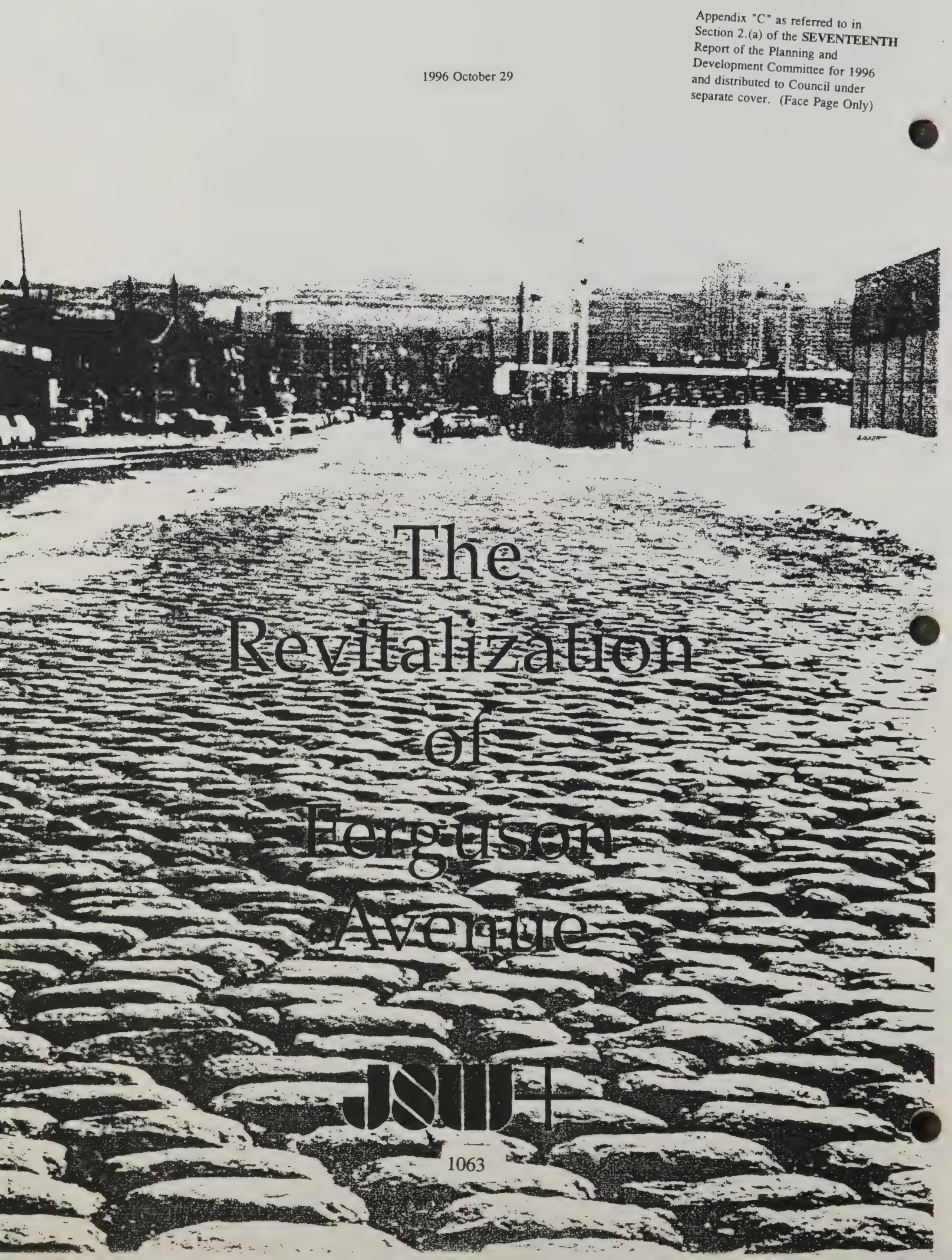
APPENDIX "B"

The conditions of RHPA approval are subject to the following standard terms, which terms shall form part of the applicable document:

- (a) The following documents, namely the RHPA Approval Agreement, the leases and the Options to Purchase shall be prepared by the Owner and registered by the Owner at its expense, including payment of registration fees.
- (b) If the Tenant at any time vacates their rental unit, the Tenant's rights pursuant to the Option to Lease and the Option to Purchase shall cease. The Tenant may not enter into an Agreement of Purchase and Sale unless the Tenant is at the time of its execution in possession of a rental unit.
- (c) The Tenant's rights under the RHPA Approval Agreement, the lease, and the Option to Purchase shall be personal to the named Tenant(s) only and not assignable by the Tenant(s) to anyone, unless approved by the owner, in the owners absolute discretion.

1996 October 29

Appendix "C" as referred to in
Section 2.(a) of the SEVENTEENTH
Report of the Planning and
Development Committee for 1996
and distributed to Council under
separate cover. (Face Page Only)

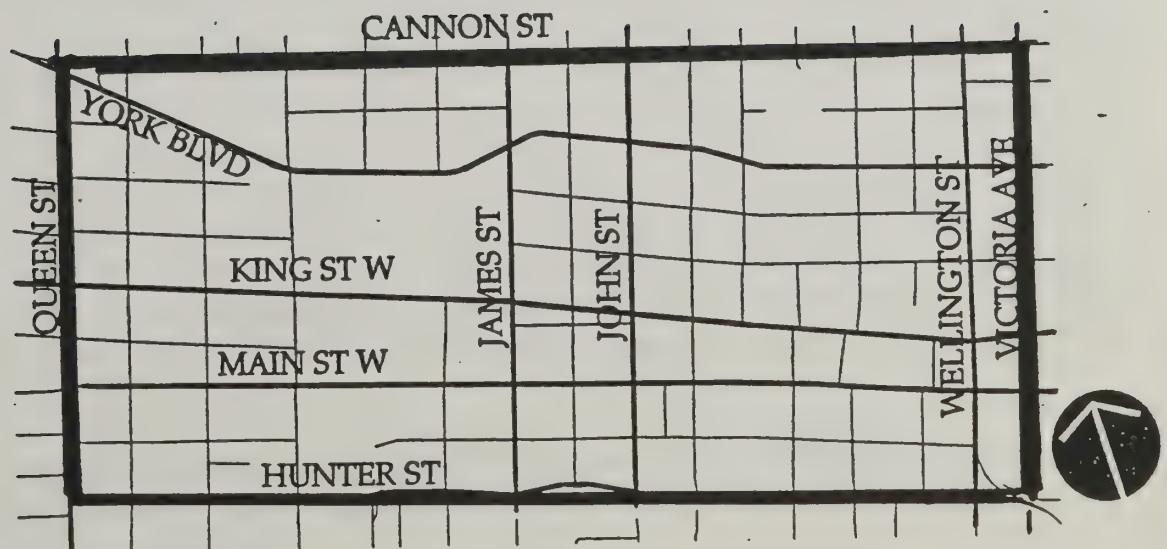


The Revitalization of Ferguson Avenue

JSU

1063

DOWNTOWN HAMILTON COMMUNITY IMPROVEMENT PROJECT AREA



(Bounded northerly by Cannon Street, southerly by Hunter Street,
westerly by Queen Street and easterly by Victoria Avenue).

1996 October 29

Appendix "E" referred to in
Section 3(c) of the SEVENTEENTH
Report of the Planning and
Development Committee for 1996

DOWNTOWN HAMILTON

COMMUNITY IMPROVEMENT PLAN

1996 October 16

1. INTRODUCTION

The purpose of this Community Improvement Plan is two-fold: i) to provide the context for a co-ordinated municipal effort to improve the physical, economic and social climates of the Downtown; and ii) to meet the legislative requirements of the community improvement provisions of the Planning Act, Section 28 that allows a municipality to provide loans and grants as are stipulated in the Plan.

The initiatives identified in the Plan are intended to stimulate private investment, property maintenance and renewal in the Downtown. The focus of these initiatives, and of the Community Improvement Plan, is to foster an environment that will: increase the supply of residential units within the Downtown; ensure a viable Downtown population; encourage the provision of unique or specialized attractions and public facilities; encourage the location of community events; and, encourage public improvement such as streetscape improvements and pedestrian amenities.

The Community Improvement Plan is not intended to provide an exhaustive list of revitalization projects that may be undertaken to stimulate community improvement. The objective of the Plan is to provide a context for Downtown revitalization projects, and to guide the municipal decision-making process so that actions are undertaken that are supportive of, and instrumental in, encouraging Downtown renewal. This Plan provides a framework to better identify projects, and makes reference to many initiatives that have been previously identified for Downtown revitalization. These projects all involve many steps, and will, in some cases, require dedicated funding. Given the current economic realities, reliance on projects that will require public funding to encourage redevelopment and revitalization will not accomplish the goal of creating and maintaining a vibrant, healthy Downtown. The role of the municipality is to provide incentives and remove barriers for development. The Downtown Hamilton Community Improvement Plan can provide a context and reference point for developing specific community improvement projects, as well as identifying actions that can be undertaken in a more co-ordinated manner that will foster Downtown renewal.

Like many other municipalities across Ontario, the viability of Hamilton's downtown area has declined in recent years. Factors contributing to the decline are numerous and include the following:

- the absence of new housing developments;
- a system of traffic flows and patterns that is not as user-friendly for pedestrian and cyclists and urban street life;
- assessed property values that no longer reflect market property values;
- shifting consumer retail shopping preferences;
- the lingering economic recession and the "jobless recovery";
- consumer preferences for a suburban atmosphere or "way-of-life" as opposed to a central city ambience; and,

- minimal marketing promotion of the advantages of Downtown Hamilton to prospective businesses and potential residents;

Yet, in spite of Downtown Hamilton's recent difficulties, there is a tremendous untapped potential:

- a population base of some 26,000 residents;
- a personal Disposable household income of residents in excess of \$500 million;
- slightly over 38,000 jobs located in the downtown;
- a strong entrepreneurial spirit among downtown merchants;
- a clear civic commitment from residents of downtown neighbourhoods;
- connections to the West Harbourfront Area and potential redevelopment;
- the Art Gallery of Hamilton, Central Public Library, Hamilton Place, duMaurier Centre, Copps Coliseum, Gore Park, Jackson Square, Hamilton Eaton Centre and City Hall which are all key anchors that underpin the vitality of the downtown community;
- the availability of low-cost customer parking; and,
- a stable population base and the socio-economic characteristics of downtown residents.
- high accessibility compared to some other major centres e.g. Toronto

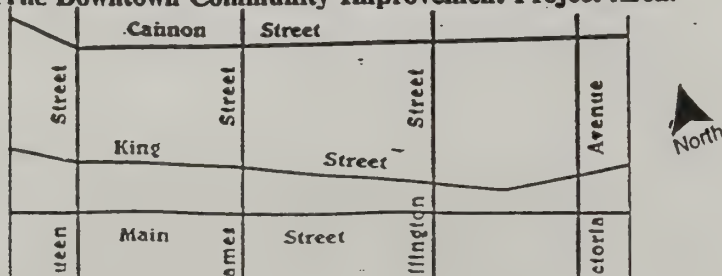
Since 1846, Downtown Hamilton has been the cultural, social and historical centre of the greater Hamilton community. In an era of "cookie-cutter" municipalities, a key strength of the City of Hamilton and the Region of Hamilton-Wentworth is its clearly identifiable City Centre - Downtown Hamilton. This area provides a unique urban ambience unparalleled in greater Hamilton. The strength and vitality of Hamilton's downtown is a clear signal of the strength and vitality of our community as a whole. The co-ordinated commitment to Hamilton's Downtown is a commitment from all citizens of Hamilton-Wentworth to the betterment of their community.

The challenges facing downtown Hamilton are challenges which face our broader community and cannot be ignored.

2. AREA OF COMMUNITY IMPROVEMENT PLAN

The Downtown Community Improvement Plan applies to the lands identified in the Downtown Community Improvement Project Area (CIPA). The CIPA is bounded northerly by Cannon Street, southerly by Hunter Street, westerly by Queen Street and easterly by Victoria Avenue (as identified in Figure 1).

FIGURE 1. The Downtown Community Improvement Project Area:



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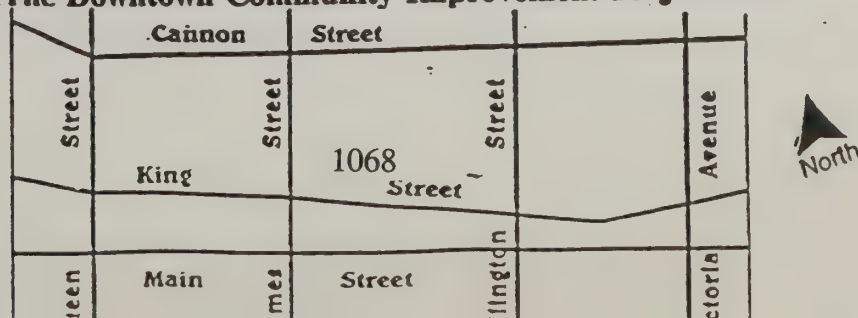
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FIGURE 1. The Downtown Community Improvement Project Area:



3. VISION OF THE DOWNTOWN

Generally the City of Hamilton is striving to achieve the following Mission Statement:

"That the downtown be a community where people wish to live, work and visit".

As such, it is important that the downtown provide the following elements:

- it is integrated, safe, and healthy;
- it links a number of communities and facilities together;
- it is easily accessible and encourages walking, stopping and parking;
- it is a community for young families, aging population, student population, professionals, knowledge workers, workers, regional functions, world class business innovators, visitors, and gentry;
- it offers destination shopping and niche marketing;
- it appeals to those looking for 'creature-comforts'; and,
- it appeals to growing trends in do-it-yourself, cottage industry, home-based businesses, arts and crafts, hobbyists, etc. (e.g. lifelong learning, wine making, gardening, culinary arts and cooking, etc.)

It has been a common theme that the ultimate objective in terms of achieving a specific result is to have more people in the downtown to spend and invest their money. By inference, if the City of Hamilton is successful in assisting in programs which bring a substantially higher number of people downtown and these people spend money and invest in downtown, it will become a viable regional centre.

The three components of the Mission Statement for the downtown should be targeted for special attention. While all three involve people, it is hoped that these three groupings form the basis of action and direction of the City of Hamilton.

a) **Those People Who Live in Downtown**

Much of the literature related to rejuvenation of downtown areas calls for increasing the amount of housing in the downtown area. The objective of the City in this sector will be to establish a comfortable, safe, and dynamic residential community.

Specific initiatives that have and are to be considered include:

- implementation of the Convert-to-Rent Program;
- investigate improved transit;

- initiate a marketing program to illustrate the affordability of moving in downtown Hamilton compared to locations closer to Toronto;
- investigate linkages between housing development in the downtown and access to the GO Station; and,
- fee rebates for new development and redevelopment projects, waiving the parking requirements and the 5% parkland dedication.

b) Those People Who Work Downtown

For this group of people, the ultimate objective is for them to either generate a profit in downtown or provide a specific service to those in the downtown core. Those groups who wish to generate a profit in downtown include existing businesses (retail, office, service sector, hotels), owners of existing buildings and owners of vacant land. Programs will have to be devised to enhance existing business operations and to attract new business ventures to the core.

Those who provide a service in the downtown area include: government, educational institutions, local churches, service organizations including the Social Planning & Research Council, hostels, food banks, etc.

There is a range of programs to consider for achieving these objectives. As successful programs are initiated in each of the other two sectors, (i.e. housing and visitors) those with an economic interest in downtown will benefit.

c) Those People Who Visit the Downtown

To the extent visitors can be attracted to the downtown area, additional dollars will flow to support downtown business operations. The marketing program should be targeted towards a range of visitor groupings, including those who live in the City of Hamilton and the immediate regional community, out of town visitors in Southern Ontario, the wider Provincial market and Canadian market, as well as international markets.

The intent of this exercise will be to build on the current strengths of the downtown area, develop such markets and broaden the catchment area for downtown facilities while at the same time trying to compete with distant markets to capture dollars which are currently flowing out of the community.

4. **GOALS OF THE DOWNTOWN COMMUNITY IMPROVEMENT PLAN**

The goals of the Downtown Hamilton Community Improvement Plan are:

- a) to enhance the Downtown as a unique community and the Heart of the City and Region. The Downtown shall be a place where people are attracted to live, work and visit;
- b) to encourage the preservation and enhancement of significant heritage resources;
- c) to encourage and assist private property owners to rehabilitate buildings in the Downtown to ensure their long-term economic viability;
- d) to focus municipal efforts that address the provision of streetscape improvements, municipal services and infrastructure; and,
- e) to promote the continued development of the Downtown as the primary business, office, cultural and administrative centre for the City and Region.

5. **OBJECTIVES OF THE DOWNTOWN HAMILTON COMMUNITY IMPROVEMENT PLAN**

The objectives of the Downtown Hamilton Community Improvement Plan are:

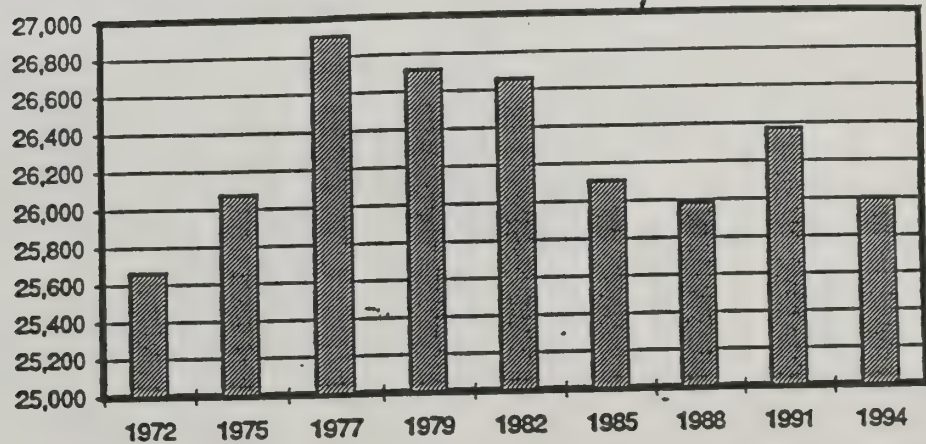
- a) to promote the long-term stability and viability of the Downtown;
- b) to encourage the co-ordination of municipal expenditures and planning and development activity;
- c) to stimulate private property maintenance and reinvestment activity;
- d) to enhance the visual quality of the Downtown through the recognition and protection of heritage buildings;
- e) to upgrade physical services and social and recreation facilities; and,
- f) to provide for streetscaping, servicing and building rehabilitation and improvements to enhance the Downtown, and encourage complementary revitalization or redevelopment through private investment.

6. THE DOWNTOWN AREA - DEMOGRAPHIC ANALYSIS

The following is a summary of major demographic trends affecting the Downtown.

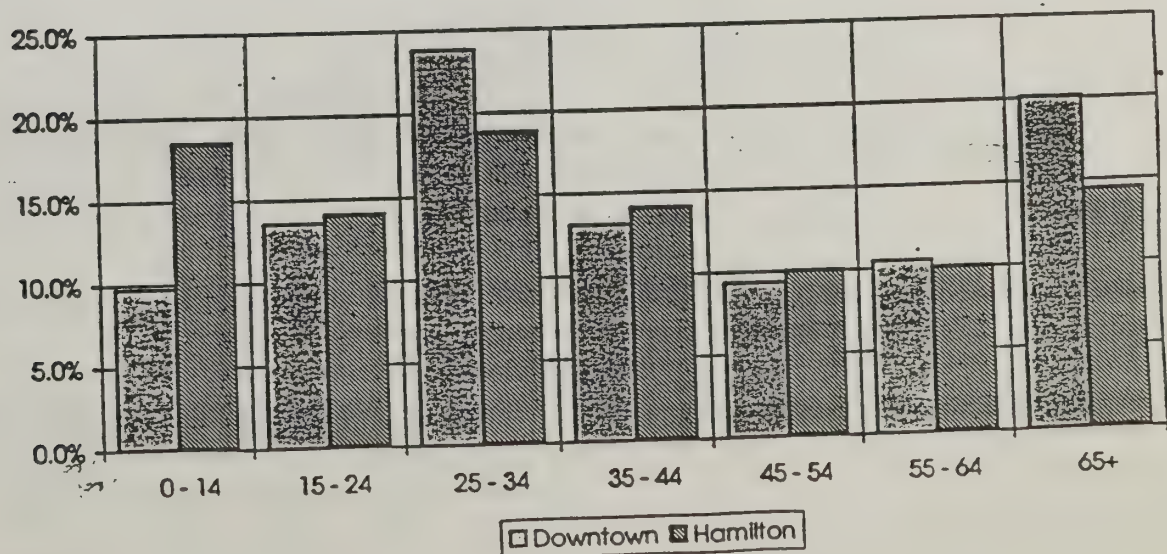
1. The population of Hamilton's Downtown experienced a decline in population from 1977 to 1985 and since that time has remained relatively stable in the 26,000 person range.

Population in Downtown Hamilton



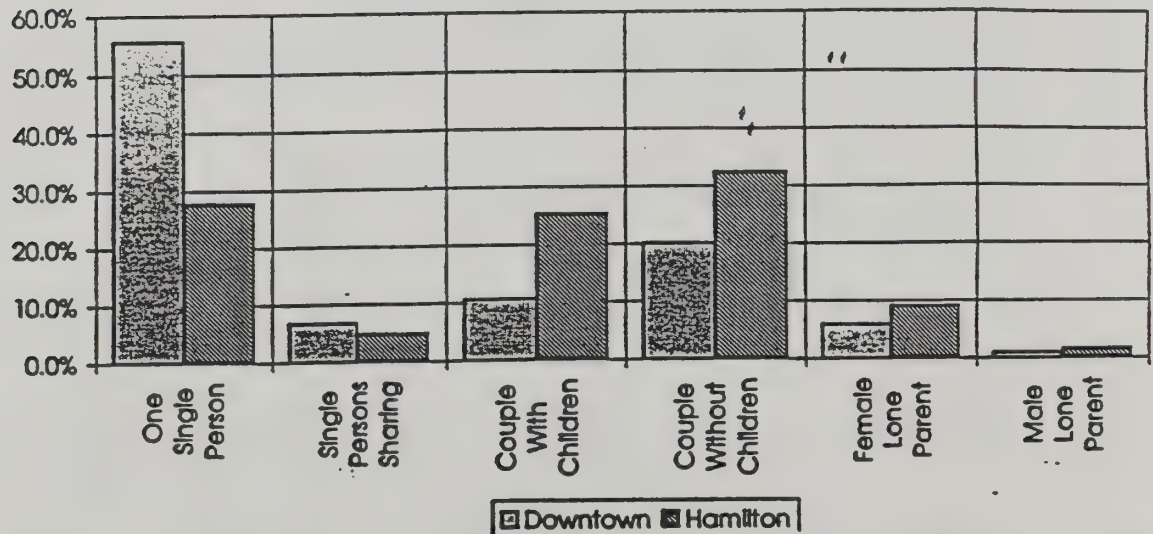
2. Downtown Hamilton recorded a higher proportion of people in the 25 to 34 years age cohort than the City of Hamilton as a whole. In addition, there was a lower proportion of children aged 0 to 14 years in Hamilton's Downtown compared to the City of Hamilton and a higher proportion of senior citizens aged 65 years and over.

Age Distribution of Population, 1991



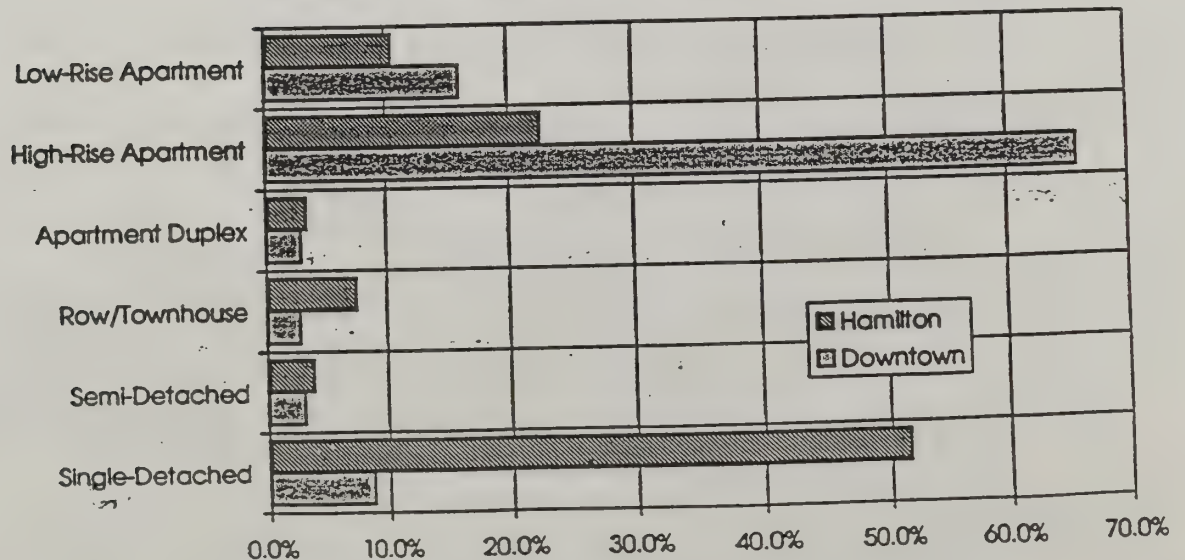
3. One single person households are the most prevalent household type in Hamilton's Downtown and accounted for over one-half of all households. There was a lower proportion of couples with children and couples without children in the Downtown compared to the City of Hamilton.

Distribution of Households by Type, 1991



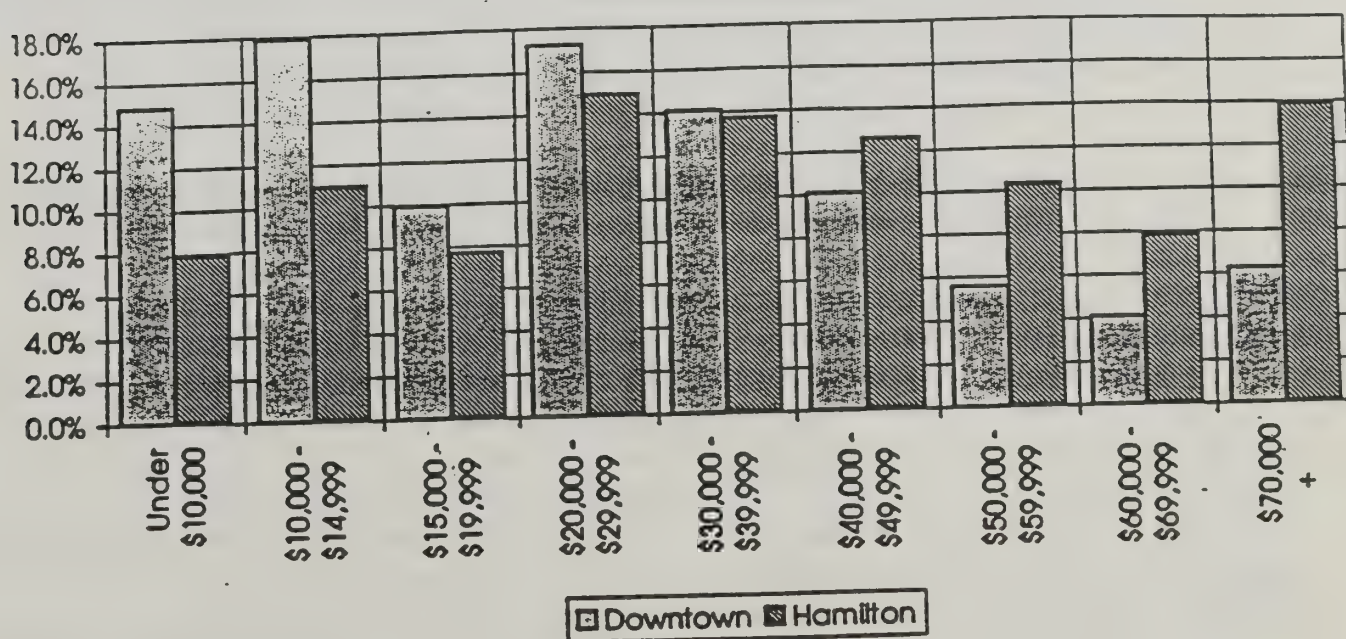
4. There was a much higher proportion of high-rise apartment units in Hamilton's Downtown compared to the City of Hamilton, 65.8 percent versus 22.6 percent. Single-detached dwellings accounted for under 10 percent of all dwellings in the Downtown while the proportion for the City of Hamilton was over 50 percent.

Distribution of Households by Dwelling Type, 1991



5. There was a higher proportion of lower income households in Hamilton's Downtown than the overall City of Hamilton and, conversely, a lower proportion of higher income households. The average household income (1990) for Downtown households was recorded at \$31,228. compared to \$41,232. for the City of Hamilton.

Distribution of Households by 1990 Income



7. PLANNING POLICIES AND CONTROLS

The following is a list of specific controls currently in affect in the downtown and major planning concerns.

A) Regional Official Plan - Towards a Sustainable Region

- Approved by the Ministry of Municipal Affairs on 1995 January 05
- Founded on the principles of Vision 2020 - sustainable development
- Downtown Hamilton designated as the Regional Centre, on Regional Development Pattern

Part B - Quality of Life

Provides policies which endeavour to enhance the way people live in this Region; issues relate to governance, environment, health, social services, shelter, culture, heritage, etc. Policies relevant to CIPA:

- 4.1.1 Implement an Economic Action Plan with emphasis on such things as improving workforce; improving competitiveness of small business; building partnerships in community; developing community infrastructure that is supportive of economic development.

Part C - Land Use Strategy

Contains more specific land use policies to help guide public/private decision making. Policies relevant to the CIPA include compact land use form; retail; services; transit:

- 3.1.1.3 Promote the Regional Centre in Downtown Hamilton as the most important mixed use activity centre, offering the widest range of goods and services of any single location in the Region.
- 3.1.1.4 Maintain the Regional Administrative Offices in the Regional Centre.
- 3.1.1.5 Promote and support efforts directed at making the Regional Centre the focus for major cultural facilities (e.g. art galleries, libraries and performing arts).
- 3.1.6.1 Direct retail/commercial/office uses to locate in Mixed Use Activity Centres and Corridors, shopping centres, existing and planned retail areas.
- 3.1.7.1 Encourage head offices and large branch offices of finance, insurance and real estate firms serving Region-wide or specialized interests to locate in the Regional Centre.
- 3.1.7.2 Encourage Region-wide or specialized community, business and personal services to locate in the Regional Centre.
- 4.3.2.3 Plan and operate the urban transit system, so that:

- 10 -

- a) The Regional Centre is the primary focus of transit service, with an appropriate level of service and degree of accessibility.

B) City of Hamilton Official Plan - Central Area Plan - Extracts Relevant to the CIPA:

Purpose: The Central Area Plan is a secondary plan prepared to give policy direction for the area bounded by the Harbour, Queen Street, the Escarpment and Victoria Avenue. It includes Durand, Corktown, Central, Beasley, North End East and West Neighbourhoods and portions of Landsdale and Stinson west of Victoria Avenue.

Overview: The plan stresses the importance of a healthy, vibrant, well-designed, human-scale environment and economic well-being of the Central Area, with policies aimed at:

- building on the Central Area's existing attributes; and,
- creating an environment conducive to investment, redevelopment and growth.

Status: The Plan is an update of the original Central Area Plan, which dates back to 1981 and is approved by Committee.

There are outstanding appeals of the O.P.A., some of which have been lodged by the Hamilton Harbour Commissioners. Several pre-hearing mediation meetings have been held, with a fifth one to be held shortly, but no compromise solution is anticipated at this time.

Policies: The portions of the plan policies most relevant to the CIPA are:

General: the Centre of Hamilton is considered the "Regional Centre"; and to be recognized as a multi-use area; emphasis on urban design, compatibility of uses.

Downtown Core: includes most of CIPA, except far east and north-east portions.

- Permitted Uses - to maintain and enhance the downtown core, a mix of uses to be encouraged, namely commercial uses (office buildings and stores); residential development; and institutional uses, esp governments.
- Promote as primary commercial centre of Region; location for offices, retail.

- 11 -

- Reinforce existing commercial on James Street, Hess Village, east of James Street.

Mixed Use: includes far east and north-east portions of the CIPA Area.

- Permitted Uses - light industrial, commercial, residential, institutional, recreational and related ancillary uses.
- Existing uses to remain; a mix of new uses to be encouraged; new developments not to adversely affect existing ones; applications to be considered on own merits, in light of long-term goals for growth and revitalization.

C) Neighbourhood Plans in CIPA

i) Central Neighbourhood Plan

Location - This neighbourhood comprises the area bounded by Queen Street, Main Street, James Street and the CNR Mainline north of Barton Street, and includes the portion of the CIPA between Bay Street and James Street.

Neighbourhood Plan Review - A review of the existing Central Neighbourhood Plan is nearing completion. A public meeting is to be held to enable additional public input, prior to the plan being taken forward for adoption.

The emphasis of the proposed plan, for the core area, is to strengthen and complete the areas designated "Downtown Core", as defined by the Central Area Plan. This includes all of the CIPA which is located in the Central Neighbourhood. Higher density housing (4 to 8 storey apartment buildings) are proposed adjacent to the downtown core.

Existing Plan - The original Central Neighbourhood Plan was adopted by City Council in 1973, and has been amended since that time. It designates lands within the Focus Area "Commercial", except for Copps Coliseum and Civic Square, which are designed "Civic and Institutional".

ii) Beasley Neighbourhood Plan

Location - This neighbourhood comprises lands bounded by James Street, Main Street, Wellington Street and the CNR Mainline. It includes the part of the CIPA east of James Street up to Wellington Street.

- 12 -

Neighbourhood Plan Review - A new Beasley Neighbourhood Plan has recently been approved by City Council. The plan was prepared by staff, in conjunction with an advisory committee.

The main thrust of the plan is to make the neighbourhood an "attractive" and "desirable" place to live, namely attractive to residents by improving their quality of life, and attractive to businesses by improving their viability. Proposed actions include increasing the amount of green space; promoting mixed residential/commercial along all major streets; scaling back the one-way street system; undertaking a market value re-assessment; upgrading police presence and attention to urban design; focusing the size of the commercial downtown core into a smaller geographic area; and discouraging the creation of new parking lots.

iii) Corktown Neighbourhood Plan

Location - This neighbourhood comprises the area bounded by James Street, Main Street, Wellington Street and the Escarpment, and includes the portion of the CIPA south of Main and east of James.

Neighbourhood Plan Review - A review of the existing Corktown Neighbourhood Plan began in April, 1996 and is nearing completion. The draft plan, prepared with a citizen advisory committee, has been circulated to agencies. A public meeting is scheduled for December 05, 1996 to obtain input from the general public, prior to the plan being finalized and taken forward to the Planning and Development Committee for adoption in early 1997.

The purpose of the proposed plan is to create, over the next 15 years and beyond, a Corktown that is attractive, affordable and accessible, is clean, green and cohesive; is stable, livable and economically viable; has a strong identity and enhances the image of Hamilton; and has stakeholders actively involved in making decisions about the future of Corktown. Higher buildings of up to 12 storeys are proposed in the core, with lower heights to the south.

Existing Plan - The original Corktown Neighbourhood Plan was adopted by Council in November 1973, and called for a number of rezonings. It has been amended extensively since that time. It designates lands within the CIPA mainly "Commercial", and "Commercial and Apartments" and some "Civic and Institutional".

iv) Durand Neighbourhood Plan

Location - This neighbourhood comprises lands bounded by Queen Street, Main Street, James Street and the Escarpment. It includes the portion of the CIPA south of Main and west of James.

- 13 -

Neighbourhood Plan Review - The Durand Neighbourhood Plan Update was prepared beginning in 1984, with the assistance of a citizen advisory committee. The plan preparation process involved the identification of issues and development of policies and actions to address these. The final version of the plan was adopted by Council in 1987.

The major goals of the Durand Plan include preservation of the residential character, which includes a mix of densities; directing commercial uses to the periphery; increasing recreational and parkland areas; heritage preservation; and restricting through traffic. The area within the CIPA are designated mostly for "Commercial", "Civic and Institutional", and, "High Density Apartments".

Former Plan - The original Durand Neighbourhood Plan was adopted by Council in 1973. It provided for extensive areas of high density residential, and designated lands within the CIPA for much the same uses as the 1987 plan update.

D) Designated Buildings:

Designation of buildings under the Ontario Heritage Act is done for the purposes of identifying and conserving buildings that are considered to be historically and/or architecturally significant. This enables retaining the original architectural character of features, especially facades, and in some cases interior features. Heritage funding grants are available for this purpose, and threatened demolition can be delayed while alternative approaches are pursued.

There are presently 6 designated buildings within the CIPA. These include:

- | | |
|------------------------|------------------------------------|
| - Pigott Building | - Landed Banking Loan Co. Building |
| - Sun Life Building | - Victoria Hall |
| - Right House Building | - Hamilton Courthouse |

The designation of buildings within the CIPA is continuously being reviewed, and LACAC staff have indicated there may be several more buildings to be added to the inventory of listed buildings in the future.

E) Zoning By-Law

The Zoning By-Law governs permitted uses and development standards in the City. Several zoning districts exist in the CIPA, indicated by letter codes. This is a brief overview.

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"CR-3" (Commercial - Residential) District

- Found in several areas in central and east part of CIPA
- Permitted Uses: Residential - multiple dwellings; apt. hotel, care facilities; etc.
Commercial - office; retail; etc.; combined with residential, separate access
Institutional & Public - nursing home; day nursery; library; art gallery
- Density permitted: Max. Floor Area - 8 times lot area; Max. Height - 24 storeys

"H" (Community Shopping and Commercial, etc.) District

- Found at eastern end of CIPA
- Permitted Uses: Residential - lodging house; single family with commercial; care facilities
Commercial - wide range of retail; office; other; some light industrial
Institutional - nursing home; home for aged; day nursery; jail; clubs; etc.
- Density permitted: Max. Floor Area - 8 times lot area; Max. Height - 4 to 18 storeys

"HI" (Civic Centre Protected Districts)

- Located in vicinity of Main Street and MacNab Street; Main Street and Bay Street
- Permitted Uses: hotel; nursing home; day nursery; public uses;
Commercial - professional offices; various retail and service
- Density permitted: Max. Floor Area - 8 times lot area; Max. Height - 4 to 18 storeys

"I" (Central Business District, etc.) District

- Most prevalent zoning district in CIPA; found throughout, especially west and central
- Permitted Uses: Almost any residential, institutional or public use; care facility; lodging
Commercial - almost any commercial; storage yards; industrial uses with minimal noise
- Density permitted: Max. Height - 37m (about 10 storeys) to 100m (about 30 storeys)

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"J" (Light and Limited Heavy Industry, etc.) District

- One area in block at King William Street and Ferguson Avenue
- Permitted Uses: Institutional Uses including day nursery; detention centre
Public & Commercial - Almost any use
Light & Limited Industrial - uses such as food; mfg.; metals
- Density permitted: Max. Height - 10 storeys

Several site-specific Zoning By-Laws also exist, to define permitted uses and design for specific sites. For example, "H/S-472".

F) Site Plan Control

The entire Central Area is subject to Site Plan Control. The City reviews site design features, and co-ordinates siting of buildings; grading; landscaping; parking; access; other design aspects.

G) Planning Issues

i) Buildings and Open Spaces

There is diversity in the configuration of buildings and open spaces. There are several large buildings at the western end of the CIPA, including Jackson Square, an enclosed mall, the Hamilton Eaton Centre, Copps Trade Centre and Arena, and several other public buildings within the Civic Centre. There are also several other landmark buildings, many of which have historical significance. Along King Street East, facing Gore Park and extending to the east, most buildings are about three stories in height, apartments over stores, with some new infill.

ii) Design

Development in the downtown, although controlled by various regulations, does not always result in buildings and areas which are attractive to pedestrians. Some sections of the streetscape, such as adjacent to high-rise commercial buildings, are not as inviting to pedestrians as they could be, and in some cases there are obstacles to walking.

iii) Limited Greenspace

Gore Park is a small green space at the very core of the downtown. The green oasis which it provides is surrounded by roadways carrying the highest traffic volumes in the core. The main downtown location for bus stops is also at Gore Park, so the greenpark environment is often surrounded by a wall

- 16 -

of buses. The original fountain is being reconstructed in the Park, and bus shelters are also being considered, so the actual amount of green space is being reduced.

iv) **Downtown Development Corporation**

The Founding Board of the Greater Hamilton Downtown Community Development Corporation (GHDCDC) is a non-profit organization created to establish Downtown Hamilton as the economic, cultural, social and institutional centre of the Region. It was established in mid 1995, with a wide membership including politicians, business people, municipal staff, residents and other key stakeholders, and is intended to be a high profile committee of decision-makers with a mandate for action. Currently they are developing a strategic action plan that will identify downtown initiatives through public/private partnerships.

v) **Status of Downtown Initiatives**

There are many actions, studies and other initiatives underway or being considered in the downtown area. These include areas such as lighting improvements, beautification, parking meters, festivals, student housing; sign requirements; major renovation; etc. There are several committees in addition to the GHDCDC Founding Board, such as the staff Downtown Initiatives Committee.

vi) **Gore Heritage Design Study**

This study was initiated to investigate how to best conserve and enhance the special character of the Gore area of Hamilton. The Gore Park area along King Street in the downtown has much historical significance, but is now threatened by vacant buildings, and high-rise zoning. The study identifies the potential for returning existing buildings to their original condition as well as investigating design guidelines and incentives.

vii) **Social Impact - Public Amenities, Safety, Accessibility**

Crime rates in the downtown and surrounding neighbourhoods are quite high, compared to many suburban areas. These rates must be considered in the context of the higher population densities in the core, and the higher risk of crime associated with more commercial areas.

8. PREVIOUS COMMUNITY IMPROVEMENT PROJECTS

Various portions of the Downtown have been, and in some cases, are still, sites of community improvement projects. The Core Redevelopment Area and corresponding Downtown Core Redevelopment Plan were established by by-law in 1983 for the purpose of implementing various phases of the Downtown Action Plan. The works undertaken included sidewalk improvements and widenings, park redevelopment, street lighting, plantings, street furniture and road resurfacing. Monies to implement the Downtown Action Plan were derived from the Ministry of Municipal Affairs under the Commercial Area Improvement Program and the City of Hamilton. The by-laws establishing the Core Redevelopment Area and corresponding Plan and addendums were repealed in 1991.

In 1986 the City of Hamilton established the Commercial Facade Program. The program is still on-going and provides loans (to a maximum of \$15,000. per unit) at half the City's prime rate, amortized over a ten year period, for the rehabilitation of commercial property facades. This program has since expanded to include a maximum of \$10,000. per unit for interior renovations and is now known as the Commercial Property Improvement Program. The properties must be within an established Business Improvement Area (B.I.A.). There are seven B.I.A.'s presently established in the City of Hamilton namely: Barton General, Concession, Downtown Hamilton, International Village, Main West, Ottawa North and, Westdale Village. Community Improvement Project Areas and corresponding Community Improvement Plans were created in accordance with the Planning Act, Section 28 for the purpose of implementing the Program.

9. COMMUNITY IMPROVEMENT INITIATIVES:

The following list summarizes the strategies and initiatives that may be pursued through this Community Improvement Plan, and through any other City action intended to foster downtown revitalization. This list is not intended to be exclusive or exhaustive. It is intended to provide a framework for Downtown revitalization and renewal. The initiatives have been identified at a number of levels including: the document entitled "Strong Medicine.... A Prescription for the Heart of Hamilton Wentworth; the City/Region staff's Downtown Initiatives Committee; the Mayor's Task Force for Downtown Renewal; and, the Hamilton Society of Architect's Downtown Charette.

Each initiative is to be developed and evaluated on its own merit and taken through the appropriate approval process including Standing Committee and Council if needed, and if applicable, the appropriate funding process.

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As these projects and others are approved they will be attached as further appendices to this document without requiring amendment to the Plan.

a) The Convert/Renovate-to-Rent Program

The City of Hamilton will provide financial assistance to property owners within the CIPA to either create apartments in vacant spaces above stores or to bring unused or deteriorated apartments in commercial buildings into compliance with the Property Standards By-law and Fire Code (as per Appendix 'A').

b) Fee Rebates for New Development and Redevelopment Projects, Waiving of Parking Requirements and 5% Parkland dedication

As an incentive for development and redevelopment activities in the downtown, the City of Hamilton will offer fee rebates for planning and building new development and redevelopment projects as well as waive the 5% parkland dedication and parking requirements for residential development/redevelopment (as per Appendix 'B').

c) Attract key "niche" retailers

Boost the distinctive retail and day-trip profile of Downtown by targeted recruiting of one or more major retailers without a significant presence in Ontario.

d) Prepare Plans for Renovation of Key Vacant Buildings

Work with landlords to create redevelopment proposals for existing properties, aimed at providing facilities for design studios, computer software firms, artists studios and "loft" apartments.

e) Improve Fibre-optic Opportunities in the Downtown

Create a public-sector fibre-optic cable wide-area communications network focused on the Downtown in 1997, to demonstrate that Hamilton makes a good location for communications-based businesses, such as call centres and commercial "back office" functions.

f) Canadian Society of Association Executive Convention in Hamilton

Promote Downtown Hamilton as an excellent location for national and regional association headquarters, by specifically targeting the national trade association of those organizations.

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g) Develop a Commercial Parking Lot Licensing By-law

Making parking lots part of the solution to the problems of Downtown, not one of its major symptoms. Combine licensing and redevelopment incentives for commercial parking lots to promote their early redevelopment and to discourage further demolitions leading to more vacant parking lots.

h) Concept for Dealing with Tax and Assessment Issues

Investigate whether the City and Region can facilitate a process through which the Ontario Municipal Board would agree to mediate settlements between the Assessment Commissioner and the appellants.

i) Property Tax Exemptions for municipal and quasi-municipal uses

Expand the range of tax-exemptions for public and cultural institutions, to promote their continued ability to operate economically Downtown.

j) City Housing and Development Targetting on Key Downtown Properties

Identify four or five properties with a high redevelopment priority for the Downtown, and prepare investment portfolios for presentation to identified potential investors. The investment portfolios would highlight commercially attractive features, such as a commitment to include Regional Municipality office space, to relax parking requirements, etc.

k) Implementation of "strategic initiatives" identified in the Downtown Charette

Improve the physical/pedestrian links between key areas of Downtown; such as: between Hess Village and the Convention Centre; between James Street North and the Eaton Centre area; and, between Theatre Aquarius/Broadway and King Street East.

l) Implementation of "Transportation" Initiatives with the Aim of Creating a More "People Friendly" Environment.

Take the proposals set out in various documents e.g. the Regional Transportation Review and Downtown Charette, and explore with the Region, the alternatives to the existing downtown circulation system to promote changes and objectives of the downtown renewal strategies.

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m) New Parking Requirements

Authorize universal "no charge" 3 hour parking in all or most municipal lots, to be effective for the 1996 Holiday season. Investigate other parking incentives.

n) Relocation of Regional Offices in the Downtown

As a lever to redevelopment, Regional Municipality office space should be relocated to strategic downtown locations wherever feasible, on an aggressive timetable. If appropriate, the decision to relocate the Region's headquarters to the Court House should be reconsidered, especially if a major new corporate or institutional entity could be recruited to Downtown by leasing that property.

o) Mass-Market the Art Gallery

Encourage the Art Gallery to initiate a major reservation-ticket exhibition with commercial marketing potential.

p) Neo-traditional Development in Neighbourhoods Surrounding the Downtown

Explore with the Hamilton Halton Homebuilders, the possibility of expanding their recent initiative into the creation of a full-scale neo-traditional neighbourhood on underutilized lands adjacent to the Downtown.

q) Create a Hamilton Secondary Plan

Create a separate Downtown Neighbourhood within the City and Regional Official Plans.

r) Create a Downtown Hamilton Partnership

Establish a Downtown Hamilton Partnership, a small group of leaders of business, government and the community at large, who would set broad, strategic direction for Downtown initiatives, but whose work would be done through existing organizations and special task groups created to achieve specific results.

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s) Engage a Downtown Co-ordinator

Examine the possibility of hiring a Downtown Co-ordinator with responsibility to follow-up on the actions outlined in the Downtown Partnership Strategy. The Co-ordinator would be a full-time advocate for the Downtown, operating at arm's length from municipal authorities, but with the support of municipal resources.

t) Include Funding for Initiatives in Current and Capital Budgets

Create a separate Downtown current and capital budget within the overall budgets of the Regional Municipality and the City of Hamilton, in order to allow priorities to be established and work to be more effectively co-ordinated.

u) Financial Assistance To Property Owners

Investigate and if feasible implement, financial assistance programs to property owners such as Heritage grants/loans for rehabilitation of historically significant buildings within the CIPA.

v) Increase in Assessment Rebate Program

Investigate the potential of implementing a rebate program for property owners who improve their properties thereby increasing the property's assessment. If the potential for the program is feasible implement the Program.

w) Bus Shelters in Gore Park

Monitor the bus shelter issue in Gore Park.

x) Garbage Containers in Alleyways

Modify the design of the garbage containers in the back alleyways and produce a prototype of the design to determine whether the difficulties encountered through garbage collection is addressed. Continue to work with the B.I.A.'s to address the concerns.

y) Improve Media Relations

Establish a rapport with the local media. Feed the media with news on the downtown and celebrate successes.

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z) Perimeter Road

The implementation of the Perimeter Road will alleviate the through traffic and truck traffic from the downtown.

aa) Examination of Non-Resident Library Fees

Study the possibility of eliminating the non-resident library fees to encourage residents from the Region to visit the Central Library in the Downtown.

bb) Pedestrian Improvement

Investigate improvements that will make the Downtown more pedestrian friendly. Possibilities could include: sidewalk widening, canopies, re-cyclable bins, additional benches, increased lighting, additional flowers and trees, and, installation of sign trees.

cc) Murals for the B.I.A.'s.

Create wall murals within the Downtown area and investigate other public art opportunities.

dd) Grey Cup Festivities

Approach the owners of empty storefronts to obtain permission to use the window area for displays. Install Grey Cup banners and Canadian flags. Create a mural that is free standing on public property in front of abandoned property. Install lighting in street trees and flood lighting for significant buildings.

ee) Mustard Festival

Implement festivals in the Downtown such as an Annual Mustard Festival.

ff) Sustainable Development Day

Bring the Sustainable Development activities to the Downtown core. Include downtown tours in the programming.

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gg) Ferguson Avenue Redevelopment

Implement the downtown portion of the Ferguson Avenue Redevelopment Plan that creates a continual pedestrian/bicycle link between the Escarpment, the Downtown and the Bay. The Downtown portion creates a cultural area within the International Village B.I.A. providing the opportunities to hold many events within this area.

hh) Hughson Street

Review the potential for implementing the Hughson Street Study that proposes the creation of a pedestrian only area on Hughson Street between Hunter and King William Streets.

ii) Gore Park Heritage Study

Implement the Gore Park Heritage Study, a Study that identifies the potential for rehabilitating the historical significance of the buildings surrounding Gore Park.

jj) Downtown Demographic Analysis

Complete a demographic analysis of the downtown based on the 1996 Stats Canada information when available, as well as carrying out surveys, to better understand the surrounding community and to use as possible marketing tools for prospective businesses/developers.

kk) Research Downtown Initiatives in Other Communities

Continue to contact other communities to determine what has aided in revitalizing their Downtowns as well as what hasn't.

ll) Traffic Calming Initiatives

As part of a transportation review investigate traffic calming initiatives.

mm) Improve Safety and Security Initiatives

Investigate the possibility of hiring Ambassadors for the Downtown by contacting other communities that have implemented this initiative, and if appropriate and implement a similar program. The duties of Ambassadors range from cleaning the street to directing people and calling in to the Police Department when the need arises.

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nn) **Hamilton/Halton Homebuilders Agreement**

Partner with the Hamilton-Halton Homebuilders Association for the purpose of co-ordinating the development of one or two blocks within the Downtown core. The development will act as a catalyst for other development initiatives.

10. CONCLUSION

The approval of a Downtown Community Improvement Plan will provide a legislative basis and context for some of the initiatives identified to foster Downtown revitalization. The Plan is intended to bring these efforts together within one document in order to ensure that the Downtown is dealt with in a comprehensive and co-ordinated manner, and that the initiatives identified can be directed towards community improvement.

As previously stated, each initiative is to be developed and evaluated on its own merit and taken through the appropriate approval process (Standing Committee and Council if needed), and if applicable, the appropriate funding process.

As these projects and others are approved they will be attached as further appendices to this document without requiring amendment to the Plan.

APPENDIX "A"

Summary of Terms of Hamilton Downtown Convert/Renovate-to-Rent Loan Program

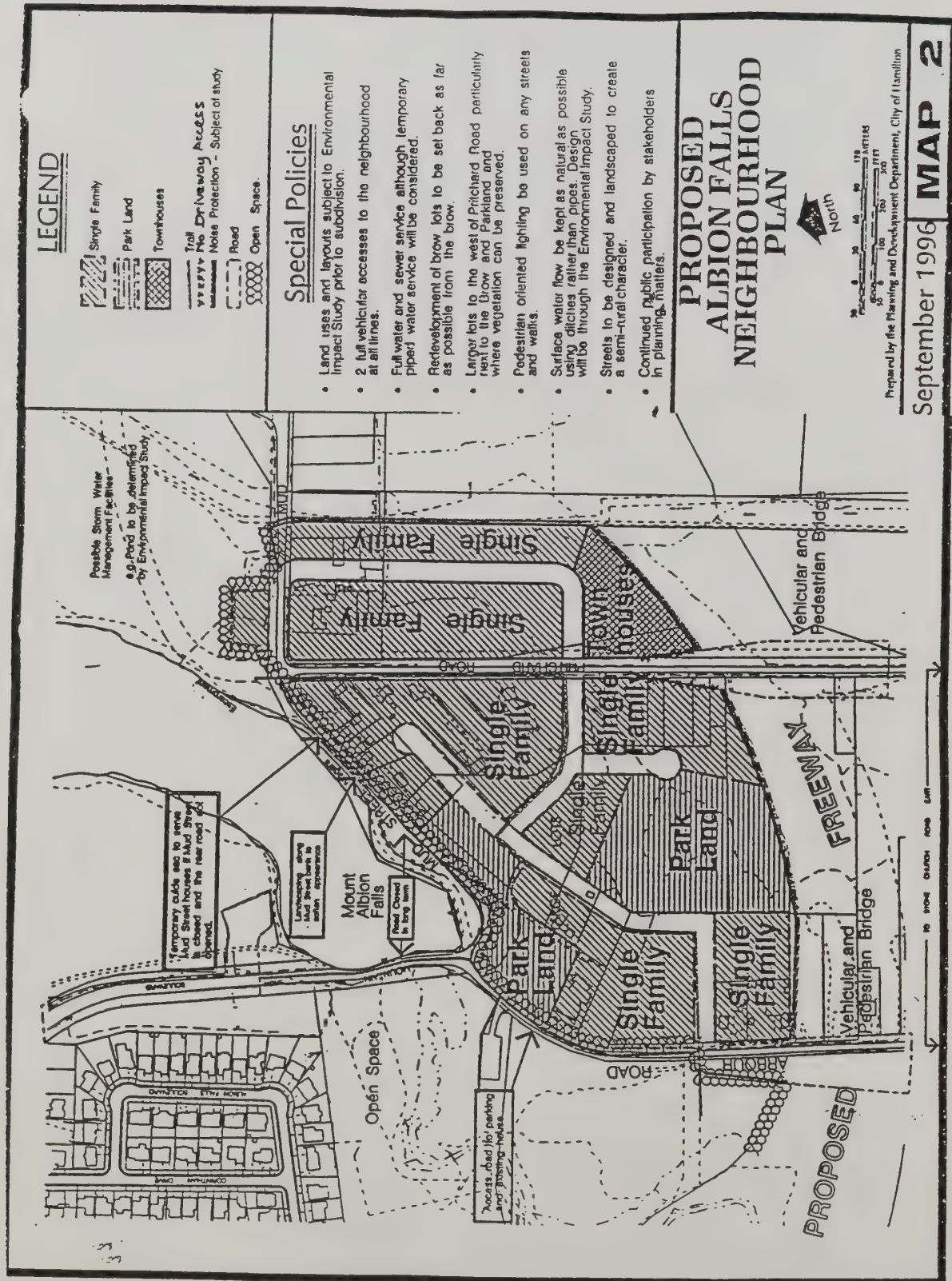
- | | | |
|-----|---|--|
| (a) | Lender: | The Corporation of the City of Hamilton |
| (b) | Duration of Loan Program: | Until terminated by City Council |
| (c) | Initial Loan Capital: | \$180,000 - City funds |
| | Additional Loan Capital: | \$180,000 - Region funds |
| (d) | Loan Interest rate: | Zero interest |
| | Interest on arrears: | 12.9996% per annum or such tax arrears interest rate established by Council. AMENDED. |
| (e) | Maximum Loan Term: | Ten years (subject to prior termination on default)
Principal repayable in monthly amounts over 120 months |
| (f) | Maximum Loan: | The lesser of cost or \$12,000 per apartment unit with a maximum of \$48,000 loan per property; |
| (g) | Purpose of Loan: | Costs of converting upper floors of commercial buildings into apartments or renovations to bring existing apartments into compliance with the Property Standards By-law and Fire Code. The existing apartments must be in commercial buildings; |
| (h) | Security: | Promissory Note and Lien on property being improved and/or a collateral mortgage on other property subject to City's minimum equity requirement; |
| (i) | Minimum Equity Requirement: | Owner shall have not less than 25% equity in the appraised value of the property offered as security, including value of alterations being financed; |
| (j) | Realty Taxes: | In good standing at all times |
| (k) | Eligible Costs: | All costs associated with the conversion or renovations to be borne by the applicant including construction, design, appraisal, legal, registration fees. City retains right to assess reasonableness of costs and which costs are eligible for program; |
| (l) | Sale or Refinancing of Property: | Loan due in full; |
| (m) | Revolving Loan Account: | Loan repayments to be credited to loan program account for re-lending; |
| (n) | Except as provided above, subject to City's usual lending criteria. | |

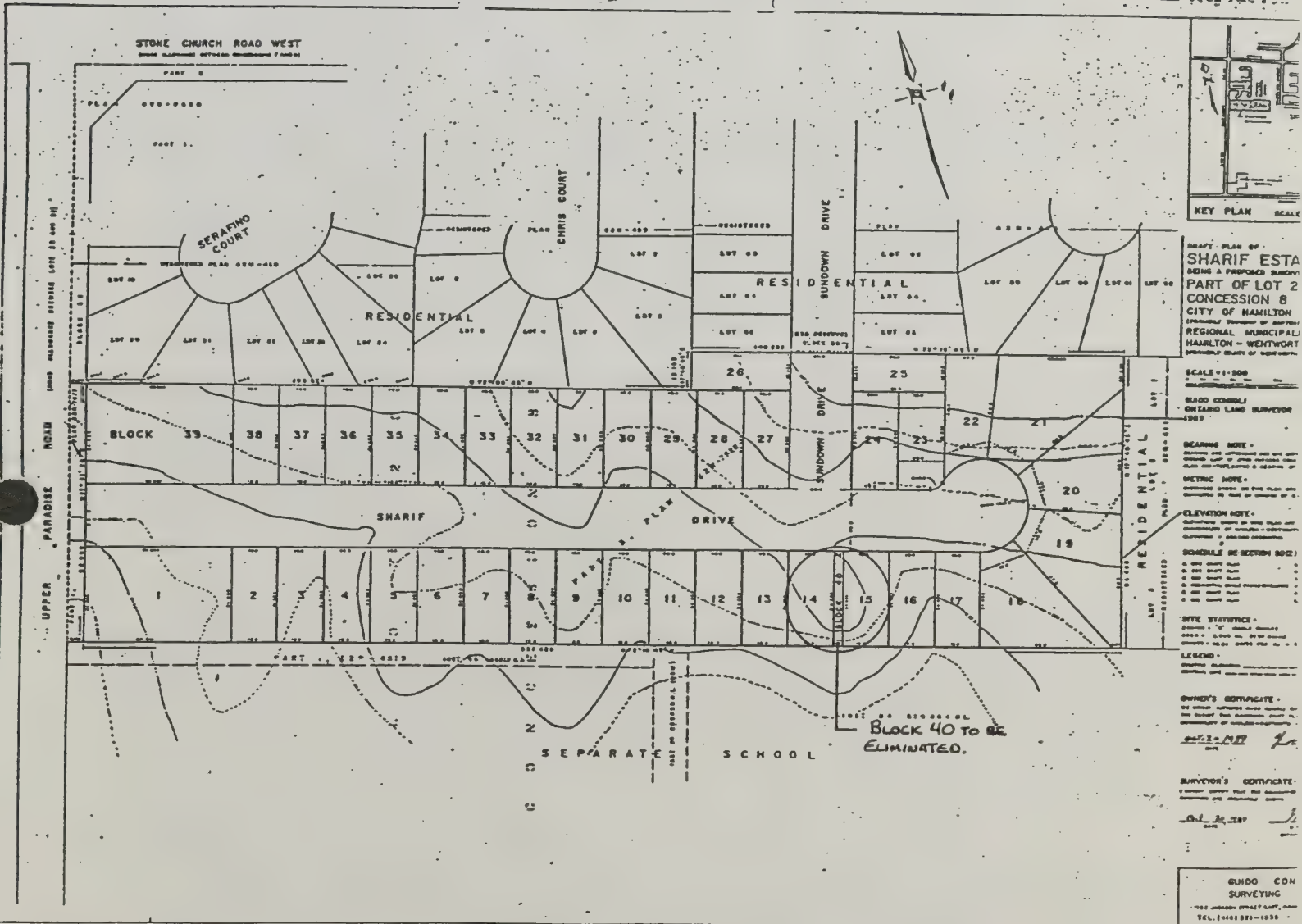
APPENDIX B

Downtown Savings

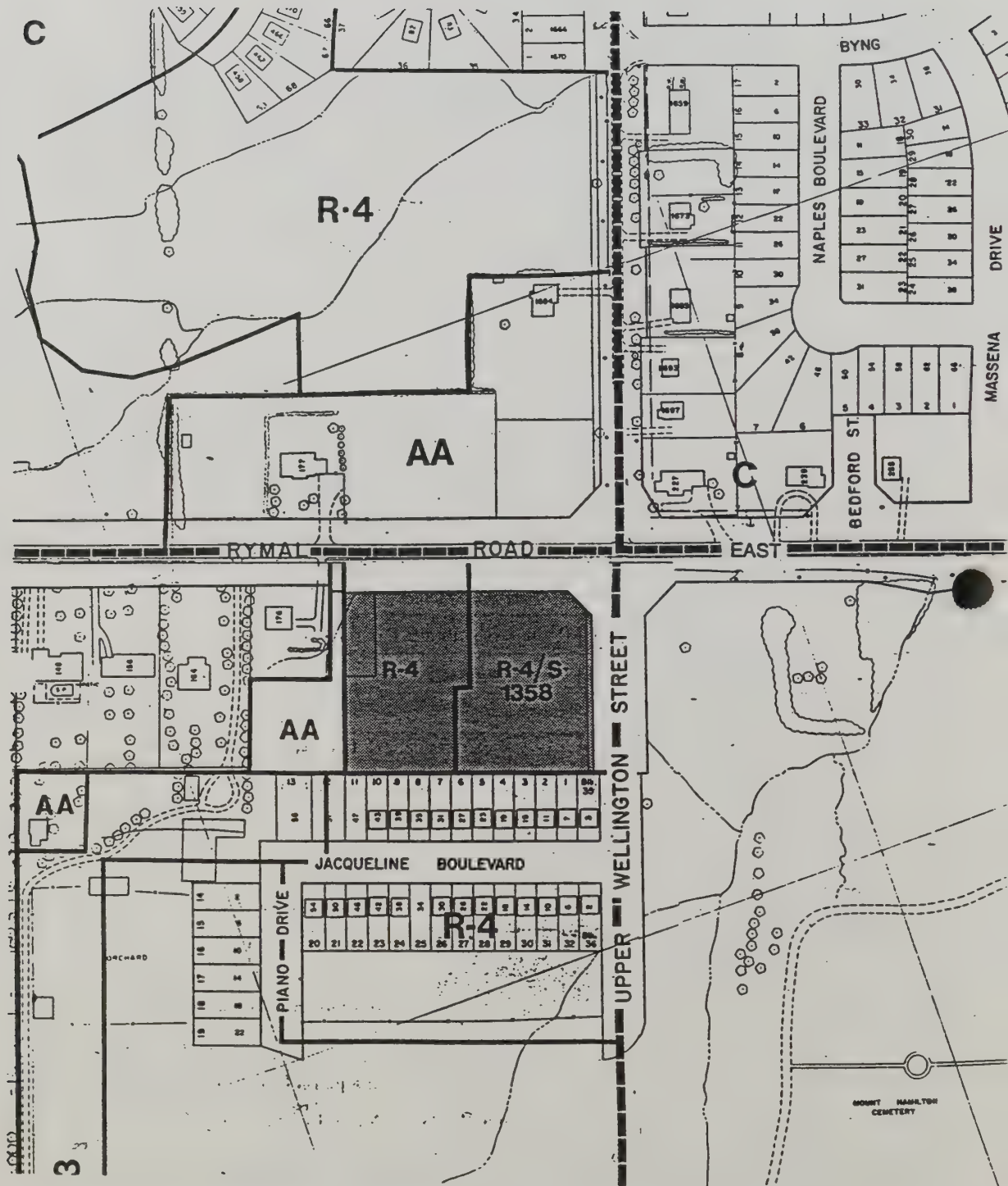
Before Downtown Initiatives		After Downtown Initiatives
Development Charges		
Commercial - City	\$ 0.00	\$ 0.00
Commercial - Region	\$2.64 / ft ²	\$ 0.00
Residential - City	single, semi or row - \$1,565.44 2 or more bedroom apt. - \$894.54 1 bedroom apt. - \$447.27	\$ 0.00 \$ 0.00 \$ 0.00
Residential - Region	single family - \$5,113.00 multiple family - \$3,798.00 apartment - \$2,191.00	\$ 0.00 \$ 0.00 \$ 0.00
Fees *		
Official Plan Amendment	\$1,730.00	\$ 0.00
Zoning By-Law Amendment	\$1,730.00	\$ 0.00
Minor Variance (1 or 2 family dwelling)	\$250.00	\$ 0.00
Minor Variance (all others)	\$400.00	\$ 0.00
Building Permits	\$150.00 for 1st \$10,000.00 of estimated construction value + \$9.00 each additional \$1,000.00	\$ 0.00
Site Plan Application	\$1,020.00	\$ 0.00
Revision of Approved Site Plan	\$410.00	\$ 0.00
5% Parkland Dedication	5% or cash equivalent	0 % or \$ 0.00, if building permit is issued by Sept. 1 1999
Public Parking in the Downtown (designated lots only)	\$0.80/hr - \$1.60/hr	\$ 0.00 (Thursday & Friday evenings & all day Saturday)
Parking Requirements Residential	0.8 spaces per class A dwelling unit	0 spaces for renovations/conversions 0 spaces for new construction
Lot Area Requirements for Multiple Dwellings In "I" Districts	"I" District - 65m ² (699.68 square feet) lot area per dwelling unit	gross floor area not to exceed 2.85 times the area of the lot

* Fees are refundable at the time of issuance of a building permit if issued by Sept. 1/99 and the fees are paid for after Aug. 27/96.





1996 October 29



Legend



Site of the Application

PLC-96-01

Appendix "A"

REASONS FOR DESIGNATION

Lister Block

28-44 James Street North / 5-21 King William Street

Context

The imposing six-storey retail/office building known as the *Lister Block* has been a prominent downtown landmark since erected in 1923 at the north-east corner of James Street North and King William. Its height, corner location, large double street frontage, and assertive architectural design have all contributed to its dominant character. An anchor block on both streets, its strong presence has been further accentuated in recent years by two major changes to the historic James North streetscape: the replacement of the four- and six-storey T. Eaton Co. department store (1916/20) to the north-west by the lower Eaton Centre (1990) and the large gap created by the demolition of the 1929 Zeller's building to the south.

The Lister Block originally stood in the heart of Hamilton's civic core, directly across from the City Hall (1888) and Market Square, and just south of the Federal Building (1856/1920). The downtown urban renewal scheme, initiated by the opening of the new City Hall in 1960, however, gradually shifted the focus of civic and cultural activity away from James Street North, resulting in the loss of two major Victorian landmarks: the old City Hall and the Grand Opera House (1880) located two blocks to the north.

From an urban design perspective, full advantage was taken of the corner site. Equal architectural emphasis was given to the six- and eight-bay street elevations, with entrances provided to the L-shaped arcade from both James and King William. The use of the traditional truncated corner served to orient the building both to the intersection of James and King William and the open space beside City Hall, known as Market Square. Despite changes to the original street pattern and built forms, the Lister Block still relates very well to its setting and maintains a commanding presence.

History

The Lister Block site is noteworthy for its long-term association with the Lister family, dating back to the 1850s when the original four-storey stone commercial block was erected for Joseph Lister. Following a devastating fire in 1923 which left the structure in ruins, plans were immediately drawn up for a larger, six-storey fireproof building by his son and manager since 1911, J.E. Lister. It was Lister's proclaimed ambition to provide the most up-to-date and central accommodation for small merchants at the lowest possible rents: stores facing James and King William, a two-level interior shopping arcade and office suites on the upper four floors. Within several years, Lister's ambitious project proved to be a success, attracting a variety of retail stores as well as service-oriented businesses and agencies (e.g. cafes, barber shops, beauty salons, medical practitioners, accountants, real estate agents, building societies, and charitable organizations). Joseph and J.E. Lister were both successful businessmen who demonstrated the family's confidence in and commitment to Hamilton through their respective Lister Block developments.

The present Lister Block remained largely occupied until the mid-1970s. Long-standing tenants included the Tait-Gibson Optical House at #44, one of the first and last occupants; the former White Grill Restaurant at #40 for over forty years; and the Anne Foster Music Shop located at #36 from 1942 until 1995, when the building was closed.

Architecture

The Lister Block is significant as Hamilton's oldest surviving major retail/office complex with a large interior arcade. It also ranks among the city's best surviving examples of the decorative use of terra cotta. Moreover, it is one of the most distinctive buildings designed by the local architectural firm of Bernard Prack & Co. (later Prack & Prack), whose achievements included the tall Gothic-inspired 1929 Pigott Building. Typical of early 20th century office buildings, the Lister Block combined technically advanced fire-proof construction with traditional architectural materials and forms. Stylistically, it followed the Renaissance Revival precedent adopted for Hamilton's pre-modern tall buildings, such as the Royal Connaught Hotel (1916), and was similarly characterized by the tripartite division of its facades into base, shaft and capital, all articulated by classical elements and details. The massing of the Lister Block, however, more closely resembled that of the early 20th century department store, with its bulkier proportions and horizontal emphasis (as exemplified by the original T. Eaton Co. building).

To the architect's credit, the Lister Block is distinguished by the clear architectural expression of its dual function, the skilful handling of Renaissance Revival forms, and high-quality materials employed in a visually effective manner. The building consists of a reinforced concrete frame clad in brick, terra cotta and sheet copper. The white glazed terra-cotta facade of the lower two stories of retail space comprises fluted pilasters supporting an entablature punctuated by decorative medallions aligned with the capitals. Set within this classical framework are the individual storefronts and wide display windows above. In contrast, the facade of the four stories of office space above is divided into bays of tall sash windows and copper spandrel panels by piers of dark brown rug brick. Crowning the facade is a white glazed terra-cotta entablature similar in design to the lower one, but more elaborate.

The L-shaped interior arcade, claimed at the time of its opening to be the first in Hamilton with a second level of shops, is also noteworthy for its architectural treatment: corridors with marble and patterned terrazzo flooring lined with varnished wood and plate-glass storefronts, and at street level, decorative plasterwork in the form of arches sprung from classical pilasters, and square skylights (originally domed on the interior).

The Lister Block has, to a large extent, preserved its original architectural character. Most of its original exterior and interior features are intact; and exterior alterations have mainly occurred at ground floor level: most noticeably, the partial removal of two corner pilasters. Only the former music shop front at #36 still stands unaltered.

Designated Features

Important to the preservation of the Lister Block are the original architectural features of:

- the two street facades (west and south), including all original windows, the one original storefront at #36, and the decorative terra-cotta and copper work, but excluding recent alterations to the storefronts and arcade entrances;
- the two-level interior arcade, including the shopfronts, decorative plasterwork, marble and terrazzo flooring, and skylights (excluding the recent bubble domes).

REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Finance and Administration Committee presents its **SEVENTEENTH** Report for 1996 and respectfully recommends:

1. That the Memorandum of Agreement between the Corporation of the City of Hamilton and C.U.P.E. Local 5, dated 1996 October 9, covering the period between 1996 April 1 to 1999 March 31 be approved and implemented in accordance with the terms therein.
2.
 - (a) That the City resolve Ontario Court (General Division) Action # 6745/94 by the payment to the Plaintiffs, Gail and Anthony Connelly, of the sum of \$6,000 including all claims for damages, interest and costs; and,
 - (b) That the Plaintiffs be required to execute a Full and Final Release in a form satisfactory to the City Solicitor; and,
 - (c) That Ontario Court (General Division) Action # 6745/94 be dismissed without costs.
3.
 - (a) That the City be authorized to enter into an Extension Agreement, if required, in a form satisfactory to the City Solicitor and the City Treasurer pursuant to Section 8 of the Municipal Tax Sales Act, with the owner of the following property to extend the time open for payment of realty tax arrears in accordance with the policy for extension agreements approved by City Council on 1994 June 28:

53 Glamis Crt.
 - (b) That the by-law to authorize the said Extension Agreements be enacted by Council; and,
 - (c) That the Mayor and City Clerk be authorized to execute the aforesaid by-law and extension agreements.

4. (a) That the 1997 General and Convention/Reception Grant Applications and Policies be made available to potential applicants with an extended deadline of 1997 January 6 (due to the Christmas closure of City Hall December 25 - January 1 inclusive) for the General Grant Applications; and,
- (b) That the process for reviewing and approving all 1997 General Grant Applications be consistent with that used in 1996, with the Committee of the Whole considering the General Grants within a month after the 1997 Current Budget is approved.
5. (a) That the Minister of Health be petitioned to include public representation on the Board for the newly formed Hamilton Health Sciences Corporation by appointing to the Board: the Mayor of the City of Hamilton or designate; one other member of Hamilton City Council; the Regional Chairman of the Region of Hamilton-Wentworth or designate; and one other member of Regional Council.
- (b) That copies of this resolution be forwarded to all local members of the Provincial Legislature, Regional Council and Members of the new Hospital Board. **ADDED.**

Recorded vote as amended.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -16.

NAYS: -0.

CARRIED.

6. (a) That approval be given to the acquisition of the lands situated in the City of Hamilton, being composed of Lots 428 and 429, Registered Plan 584, with a frontage of 15.24 metres (50.0 feet), more or less, by a depth of 30.48 metres (100.0 feet), more or less, municipally known as 571 Kenilworth Avenue North; at an upset limit of \$60,000 to sign an Offer to Purchase no later than 1997 January 15th; and, **AMENDED.**
- (b) That the City Treasurer be authorized to open a new Capital Project Account in relation to the acquisition of 571 Kenilworth Avenue North, and that this project be financed from the Reserve for Alpha Enclaves, Account Centre No. CH 00116; and,

- (c) That the Mayor and City Clerk be authorized and directed to execute all necessary documents.

- 7.
 - (a) That as referred to in Sub-Section (d) of Section 1 of the Sixth Report for 1996 of the Committee of the Whole, approved by City Council at its meeting held Tuesday, 1996 October 8th, that the City Treasurer be authorized to set up a 1997 Downtown Current Budget for Downtown Development - Preliminary Concept Plan by the Hamilton-Halton Home Builders' Association at a cost of \$90,000, and that the \$90,000 be financed within the Budget from the Reserve for Contingency, Account Centre No. CH 00115; and,
 - (b) That an expenditure amount up to \$4,000 be authorized as the City's equal cost shared portion with the Region for the completion of Phase 1 to undertake the Preliminary Investigation and Proposed Development; and,
 - (c) That prior to any further funds being dispersed, the Hamilton-Halton Home Builders' Association report back to the Committee of the Whole with more detail on the expenditures to be undertaken in Phase 2 "Coordination Phase".

- 8.
 - (a) That an Agreement by Owner to Accept Compensation, executed by Grace Gordon, Estate Trustee for the Estate of Pearl Edith Byrnes, deceased, (Pearl Edith Byrnes being one and the same person as Perry Byrnes), on 1996 September 18 and to be completed on or before 1996 November 6, for the tenant's interest in the lands then municipally known as 47-51 King Street West (10 MacNab Street South, Room 207), more particularly described as Part 173 on Expropriation Plan No. SS-1006, registered on 1971 May 25 as Instrument No. 205980AB, be approved and completed, and the final compensation of \$4,933 be charged to Account Centre CH 00102 (Reserve for Property Purchase); and,
 - (b) That the Mayor and City Clerk be authorized and directed to execute the necessary documents in a form satisfactory to the City Solicitor.

- 9.
 - (a) That the City of Hamilton confirm that it claims no interest in the property known municipally as 35 Brock Street and 600 John Street North, Hamilton, (pursuant to the covenants in favour of the City as set out in a 1966 deed registered as Instrument No. 18578 A.B.) by quit claiming this property to the current owners; and,

- (b) That the Mayor and City Clerk be authorized and directed to execute all necessary documents.
10. That the following policy be adopted and procedures implemented for all properties which vest in the City as a result of tax sale tender under the Municipal Tax Sales Act:
- (a) That where the Treasurer has determined that the accumulated realty taxes, penalties and interest are uncollectible, the Treasurer shall thereafter report to Council:
 - (i) To recommend that such outstanding taxes be struck off the roll. (Municipal Act s. 441); and,
 - (ii) For directions that the Treasurer, upon the striking from the roll of such uncollectible taxes, charge back the Region and Board of Education's proportionate share of the deficiency to the "tax write offs" account to recover the deficiency amount previously credited to these bodies; and,
 - (b) That the City's share of the uncollected taxes and any other additional costs, such as snow and weed removal, will be charged to the Reserve for Property Purchases; and,
 - (c) That the City shall immediately initiate a tax appeal with the Provincial Assessment Office in respect of the vested properties to reflect the City's exempt status which will eliminate further taxation levies; and,
 - (d) That the Property Department report to Council on the potential municipal purpose or in the alternative with a recommendation that the properties be declared surplus in accordance with the City's Realty Sales Procedural Bylaw No. 95-049 and be actively marketed; and,
 - (e) That any costs relative to the maintenance, management and upkeep of the properties by the City will be charged to the Reserve for Property Purchases; and,
 - (f) That a detailed accounting of all properties which have vested in the City will be established and maintained separately within the Reserve for Property Purchases.

11. (a) That the Employee Assistance Agreement between the Corporation of the City of Hamilton and Family Services of Hamilton-Wentworth Incorporated be renewed effective 1996 August 13 to 1999 August 16, for a fee of Five Thousand, Six Hundred and Eighty Seven Dollars and Fifty Cents (\$5,687.50) per month, to be funded from Account No. CH55429-24001; and,

(b) That the Mayor and City Clerk be authorized and directed to execute the new Agreement on behalf of the City.
12. That the Hamilton Board of Education and the Hamilton-Wentworth Separate School Board be requested to provide the City with a list of nominee recommendations for the City's consideration in appointing School Board representatives to the Hamilton Public Library Board.
13. That the following Bills be adopted, signed, sealed and enrolled as By-laws:
 - (a) D-54 A By-law to Authorize an Extension Agreement for Payment of Realty Tax Arrears.
 - (b) D-55 A By-law to Confirm the Proceedings of the Council of The Corporation of the City of Hamilton.
14. (a) That approval be given to an amount of \$300 for Joslin's Karate and Kickboxing Ltd. to assist in the hosting of the Canadian Open Martial Arts Championships being held at Sherwood High School on 1996 November 16th and 17th; and

(b) That funding for this amount be derived by an approved overdraft of the Convention/Reception Grant Allocation Account Number CH5A050 20020.

ADDED.

Respectfully submitted,

**ALDERMAN B. CHARTERS, CHAIRMAN
FINANCE AND ADMINISTRATION COMMITTEE**

**Susan Reeder
Secretary
1996 October 22**

REPORT OF THE COMMITTEE OF THE WHOLE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Committee of the Whole presents its **SEVENTH** Report for 1996 and respectfully recommends:

1. (a) That City Council endorse the efforts of H.E.C.F.I. to secure a National Hockey League franchise for the City of Hamilton and be authorized to submit a formal bid at the upcoming meeting of the National Hockey League Board of Governor's in New York City.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -17.

NAYS: -0.

CARRIED.

- (b) That the City of Hamilton apply to the Province of Ontario for an amendment to the City of Hamilton Act, 1985, as amended, to change the objects to allow H.E.C.F.I. to own a sports franchise.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Caplan, Agro, McCulloch, Drury, Morelli, Wilson, Eisenberger, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -15.

NAYS: Aldermen Kiss, Copps. -2.

CARRIED.

2. That Section 11 of the Thirteenth Report for 1996 of the Finance and Administration Committee approved by City Council at its meeting held 1996 July 9 respecting 5% Land Dedication, which was reconsidered by City Council at its meeting held 1996 October 8 and referred to the Committee of the Whole, and reading as follows be approved.

- "11. (a) That the City Solicitor be authorized and directed to prepare an amendment to By-law No. 84-252 to allow land to be developed for the purpose of a single family dwelling where land in the amount equal to 5% of the area to be developed, or cash equivalent, has not been conveyed to the City where the building permit has been applied for between 1996 July 10 and 1997 July 11 and the building permit has been issued by 1997 August 1; and,
- (b) That the Building Commissioner be authorized and directed to refund to the building permit applicant the equivalent to the 5% land dedication collected by the City under Section 51.1 and 53 of The Planning Act, if
- (i) the lot being developed is in a plan of subdivision registered before 1997 July 11; and,
 - (ii) the building permit is applied for between 1996 July 10 and 1997 July 11; and,
 - (iii) the building permit is actually issued by the close of business day of the Building Department on 1997 August 1; and,
 - (iv) the proposed building is only a detached single family dwelling as defined by Zoning By-law No. 6593."
3. That staff be directed to report on a method by which a portion of the taxes collected on the single family dwellings which are being exempted from the 5% Parkland Dedication requirement, can be directed to the 5% Parkland Dedication Account.

4. That the corporate restructuring report dated 1996 October 24 from the Chief Administrative Officer be referred to the next meeting of the Finance and Administration Committee.

RESPECTFULLY SUBMITTED

MAYOR R. M. MORROW, CHAIRMAN
COMMITTEE OF THE WHOLE

J. J. Schatz, Secretary
1996 October 29

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1996

1996 November 12

Minutes of Hamilton City Council
Tuesday, 1996 November 12
7:30 o'clock p.m.
Council Chamber, City Hall

The Council met:

Present: Mayor Morrow.
Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson,
Eisenberger, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross.

Mayor Morrow called the meeting to order.

* * * * *

The National Anthem was played.

* * * * *

Father Emeric Fuzy, St. Cyril and Methodius Slovak Roman Catholic Church led Council in prayer.

ADOPTION OF MINUTES

The minutes of the meeting held 1996 October 29 were adopted as circulated.

PRESENTATIONS

Mayor R. Morrow was presented with a cheque in the amount of \$5,000 from Jim Vanderkooy, Principal of the Hamilton District Christian High School for the Traffic Island Beautification Program.

* * * * *

1996 November 12

Mayor R. Morrow was presented with two plaques from Chris Hamilton of the Geritol Follies. These plaques are from the Lord Provost of Edinburgh and the Lord Provost of Glasgow.

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Mayor R. Morrow was presented with a publication entitled "The Time of Their Lives" from Reverend Melville Bailey.

* * * * *

Mayor R. Morrow was presented with a poem by Ross Robinson entitled "The Spirit of Hamilton".

* * * * *

Mayor R. Morrow presented a Certificate of Recognition to Sarah Spinner in recognition of achieving second place in a prestigious public speaking contest in The Odd Fellows' 47th Worldwide Competition.

* * * * *

Alderman Mary Kiss and Joan MacDonald of the Status of Women Sub-Committee presented the Womens History Student Awards. First Prize for the Grace Hartman Group Project was Ms. Pat Rocco's Grade 11 Art Class from Hill Park Secondary School. Second Prize for the Emily Carr Narrative and art work submitted by Grade 12 student, Lisa Lambertus from Delta Secondary School. Third Prize was the Nellie McLung painting submitted by Grade 11 student, Sara Newman from Westdale Secondary School.

CORRESPONDENCE

1. Facsimile dated 1996 November 12 from M. Jane Lee, Clerk/Director of Administrative Services for the Town of Flamborough respecting Local Government Restructuring.

Received.

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Reports of the Transport and Environment Committee, the Planning and Development Committee, the Finance and Administration Committee, and the Nominating Committee be considered in Committee of the Whole with Alderman Anderson in the chair.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -17

NAYS: -0.

CARRIED.

TRANSPORT AND ENVIRONMENT COMMITTEE - FIFTEENTH REPORT

Section 38 Re: West Central Branch of the Ministry of the Environment and Energy - 97 Frid Street

It was moved by Alderman Kiss and seconded by Alderman Copps that Section 38 of the Fifteenth Report of the Transport and Environment Committee be referred back.

CARRIED.

PLANNING & DEVELOPMENT COMMITTEE - EIGHTEENTH REPORT

Section 2 Re: Commerical Loan for Trillion Investment Corporation

It was moved by Alderman Drury and seconded by Alderman D'Amico that Section 2 of the Eighteenth Report of the Planning and Development Committee for 1996 be deleted.

CARRIED.

* * * * *

Rule No. 9 Re: Revised Board of Management, Westdale Village Business Improvement Area.

It was moved by Alderman Drury and seconded by Alderman D'Amico that Rule No. 9 be invoked in order to permit consideration of resolutions respecting the Revised Board of Management, Westdale Village Business Improvement Area. **CARRIED.**

* * * * *

Section 7 Re: Revised Board of Management, Westdale Village Business Improvement Area.

It was moved by Alderman Drury and seconded by Alderman D'Amico that the Eighteenth Report of the Planning and Development Committee for 1996 be amended by adding Section 7 as follows:

7. (a) That Schedule "B" of By-law No. 95-042, appointing the Westdale Village B.I.A. Board of Management be repealed and the following substituted therefore:

SCHEDULE 'B'

D. Upsdell	Westdale Jewellers Ltd.
S. Snider	The Picture Frame
M. B. Ledden	Judy Marsales Real Estate
R. Lahie	Jack Carruth Shoes Ltd.
G. Ditner	Cottage Florist
D. Simpson	Simpson Watson and Vujnovic
C. Gerrie	Journey to the East
K. Patterson	Oddities
D. Thorne	Truth
B. Davison	Design House Inc.

- (b) That the City Solicitor be authorized and directed to amend Schedule 'B' of By-law No. 95-042 pursuant to (a) above. **CARRIED.**

* * * * *

Section 8 Re: Introduction of Bill C-66

It was moved by Alderman Drury and seconded by Alderman D'Amico that the Eighteenth Report of the Planning and Development Committee for 1996 be amended by adding Section 8 as follows:

8. That the following Bill be adopted, signed, sealed and enrolled as a By-Law:
- (a) C-66 A By-Law to Amend By-Law No. 86-98 as amended by By-Laws No. 92-074 and 95-042 respecting Members of the Westdale Business Improvement Area. **CARRIED.**

FINANCE & ADMINISTRATION COMMITTEE - EIGHTEENTH REPORT

Section 17 Re: Retail Floor Space in Phase IV of Jackson Square

It was moved by Alderman Charters and seconded by Alderman Ross that Section 17 of the Eighteenth Report of the Finance and Administration Committee for 1996 be amended by deleting Sub-section (a) in its entirety and replacing it as follows:

- (a) That a letter be sent to the Assessment Division of the Ministry of Finance requesting that the portion of the retail floor space in Phase IV of Jackson Square occupied by non profit organizations, be treated on an equitable basis with the third floor of the Hamilton Eaton Centre; and, **CARRIED.**

* * * * *

Rule No. 9 Re: Memorandum of Agreement with CUPE Local 167

It was moved by Alderman Charters and seconded by Alderman Jackson that Rule No. 9 of Procedural By-law No. 95-167 be invoked for this meeting of City Council in order to permit consideration of a resolution respecting a Memorandum of Agreement with C.U.P.E. Local 167. **CARRIED.**

* * * * *

Section 19 Re: Memorandum of Agreement with CUPE Local 167.

It was moved by Alderman Charters and seconded by Alderman Jackson that the following be added as Section 19 of the Eighteenth Report for 1996 of the Finance and Administration Committee:

19. That the Memorandum of Agreement between the Corporation of the City of Hamilton and C.U.P.E. Local 167, dated 1996 October 29th, covering the period between 1996 April 1 to 1999 March 31 be approved and implemented in accordance with the terms therein. **CARRIED**

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Agro, McCulloch, Morelli, Copps, Wilson, Eisenberger, Collins, Charters, Jackson, Anderson, D'Amico, Ross. -14

NAYS: Alderman Caplan. -1. **CARRIED.**

* * * * *

Rule No. 9 Re: Extension of Hours - Grey Cup Week-end

It was moved by Alderman Charters and seconded by Alderman Jackson that Rule No. 9 of Procedural By-law No. 95-167 be invoked for this meeting of City Council in order to permit consideration of a resolution respecting an extension of hours in connection with the Grey Cup Week-end. **CARRIED.**

* * * * *

Section 20 Re: Extension of Hours - Grey Cup Week-end

It was moved by Alderman Charters and seconded by Alderman Jackson that the following be added as Section 20 of the Eighteenth Report for 1996 of the Finance and Administration Committee:

20. (a) That the Liquor Licence Board of Ontario be advised that the City of Hamilton has deemed the Grey Cup Game and Festival being held in the City of Hamilton during the weekend of 1996 November 21 - 24 to be events of national and municipal significance; and,

- (b) That the Liquor Licence Board of Ontario be further advised that the City of Hamilton is aware of the application of Last Minute Larry's Bar and Grill located within the Royal Connaught/Howard Johnson Plaza Hotel for an extension of hours on Saturday, 1996 November 23rd in order to commence serving liquor at 9:00 o'clock a.m. until 11:00 o'clock a.m. for the Annual C.B.C. Sportswriters' "Heart-Starter Breakfast" function and presentation and "Hall of Fame" Inductee gathering in conjunction with the Grey Cup.

CARRIED.

NOMINATING COMMITTEE - SIXTH REPORT

RESOLUTION

Rule No. 9 Re: Grey Cup Festival

It was moved by Alderman Eisenberger and seconded by Alderman Collins that Rule No. 9 of the City's Procedural By-law No. 95-167 be invoked for this meeting of City Council in order to allow the introduction of a resolution respecting permission to be given to the Grey Cup Hamilton Inc. to hold entertainment with amplified sound in the downtown area at MacNab and Main Streets and on the property of the Hamilton Board of Education Administrative Offices during the Grey Cup Festival.

CARRIED.

* * * * *

Re: Grey Cup Festival

It was moved by Alderman Eisenberger and seconded by Alderman Collins that approval, as required by City of Hamilton Municipal Noise By-law No. 79-292, Schedule 3, Section 2(1) (c).2, be given to Grey Cup Hamilton Inc. to hold entertainment with amplified sound in the downtown area at MacNab and Main Streets and on the property of the Hamilton Board of Education Administrative Offices during the Grey Cup Festival from 1996 November 21 to November 24 inclusive, beyond 11:00 o'clock p.m. to 2:00 o'clock a.m.

CARRIED.

NOTICE OF MOTION
Re: Memorandum of Negotiations

Alderman Fred Eisenberger gave notice that he would move at the next meeting of City Council the following:

"That Hamilton City Council endorse and approve the final "Memorandum of Negotiations", conducted with Gardner Church and agreed upon by the Negotiating Teams representing the City of Hamilton, the City of Stoney Creek, the Town of Ancaster and the Township of Glanbrook."

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Report of the Committee of the Whole on the Reports of the Transport and Environment Committee, the Planning and Development Committee, the Finance and Administration Committee, the Nominating Committee and resolutions be adopted.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -16

NAYS: -0.

CARRIED.

City Council then adjourned at 9:05 o'clock p.m.

Taken as read and approved.

MAYOR R. M. MORROW

J. J. Schatz
1996 November 12

REPORT OF THE TRANSPORT AND ENVIRONMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Transport and Environment Committee presents its **FIFTEENTH** Report for 1996 and respectfully recommends:

1. That the appropriate by-law for the sale of the subject land being described as part of the 11 foot alley on Registered Plan 224, being parallel to Tisdale Street, between King Street and Main Street, designated as Parts 1, 2 and 3, on Plan 62R-5120 and Parts 1 and 2, on Plan 62R-13270, as closed by Judge's Order 174069 VM, be enacted.
2. That the appropriate by-law for the sale of the subject land being described as part of the alley lying north of Lot 6, as closed by Judge's Order VM232957, on Registered Plan 31, designated as Part 1, on Plan 62R-13138, be enacted.
3.
 - (a) That a "Two Hour Parking Time Limit, 8:00 a.m. to 5:00 p.m., Monday to Friday" regulation be implemented on both sides of Wilmont Court between Royal Avenue and the southerly end; and,
 - (b) That a "One Hour Parking Time Limit, 8:00 a.m. to 5:00 p.m., Monday to Friday" regulation be implemented on the south side of Royal Avenue between Bowman Street and Stroud Road and on the south side of Delbrook Court from Stroud Road to the west curb line of Delbrook Court; and,
 - (c) That the City Traffic By-law No. 89-72 be amended accordingly.
4.
 - (a) That an "Alternate Side Parking" regulation be implemented on Rangeview Court such that parking is prohibited:
 - (i) on the east side of the street during the months of December, January, February and March and from the 1st to the 15th day of April, May, June, July, August, September, October and November

- (ii) on the west side of the street from the 16th to the last day of April, May, June, July, August, September, October and November; and,
 - (b) That the City Traffic By-law No. 89-72 be amended accordingly.
5. That the existing "Alternate Side Parking" regulation on Gladstone Avenue between Cumberland Avenue and Delaware Avenue be replaced with a "No Parking Anytime" regulation on the west side and that the City Traffic By-law No. 89-72 be amended accordingly.
6. (a) That a "Permit Parking" regulation be implemented on the north side of Afton Avenue commencing at a point 95 feet east of Balsam Avenue South and extending to a point 20 feet easterly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly; and,
- (b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Ms. Eleanor Ogxton, No. 129 Afton Avenue.
7. (a) That a "Permit Parking" regulation be implemented on the east side of Tisdale Street South commencing at a point 176 feet north of the east/west leg of Tisdale Street South and extending to a point 21 feet northerly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly; and,
- (b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Mrs. MacEwen, No. 75 Tisdale Street South.
8. That a "Permit Parking" regulation be implemented on the north side of Somerset Avenue commencing at a point 75 feet west of Barnesdale Avenue North and extending to a point 18 feet westerly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly.
9. That the hours of the existing "Wheelchair Loading Zone, 9:00 a.m. to 10:00 p.m., Monday to Friday" regulation on the west side of Tragina Avenue North commencing at a point 66 feet south of Vansitmart Avenue and extending to a point 23 feet southerly therefrom, be revised, such that the regulation is in effect from 8:00 a.m. to 11:00 p.m., Monday to Friday and that the City Traffic By-law No. 89-72 be amended accordingly.

10. That the existing "Permit Parking" regulation on the north side of Huron Street commencing at a point 96 feet west of Stirton Street and extending to a point 21 feet westerly therefrom be removed and that the City Traffic By-law No. 89-72 be amended accordingly.
11. That the existing "Permit Parking" regulation on the south side of Wood Street East commencing at a point 133 feet east of Ferguson Avenue North and extending to a point 24 feet easterly therefrom be removed and that the City Traffic By-law No. 89-72 be amended accordingly.
12. That a "Wheelchair Loading Zone, 24 hours a day, seven days a week" regulation be implemented on the west side of Delena Avenue North commencing at a point 308 feet south of Dunsmure Road and extending to a point 22 feet southerly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly.
13.
 - (a) That a "Permit Parking" regulation be implemented on the east side of John Street North commencing at a point 74 feet south of Picton Street East and extending to a point 17 feet southerly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly; and,
 - (b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Mrs. Sara Alaimo, No. 426 John Street North.
14.
 - (a) That the existing residential boulevard parking agreement registered as Instrument No. 490908 C.D. to the property at No. 422 John Street North be amended at the property owner's expense; and,
 - (b) That the City Solicitor be authorized and directed to process the documents in relation to the amendment of this agreement.
15. That a "Wheelchair Loading Zone, 24 hours a day, seven days a week" regulation be implemented on the east side of Norman Street commencing at a point 107 feet north of Campbell Avenue and extending to a point 35 feet northerly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly.

16. (a) That a "Permit Parking" regulation be implemented on the west side of New Street commencing at a point 31 feet north of Main Street West and extending to a point 23 feet northerly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly; and,

(b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Mr. Gordon Ferris, No. 78 New Street.
17. That northbound traffic on Acadia Drive (west leg) be required to stop for eastbound and westbound traffic on Acadia Drive (north leg) and that the City Traffic By-law No. 89-72 be amended accordingly.
18. That four-way stop control be implemented at the intersection of Ferrie Street East and Hughson Street North, and that the City Traffic By-law No. 89-72 be amended accordingly.
19. That eastbound traffic on Sedona Court and on Jacqueline Boulevard be required to stop for northbound and southbound traffic on Upper Wellington Street and that the City Traffic By-law No. 89-72 be amended accordingly.
20. That a "No Stopping" corner clearance be implemented on the south side of Lavina Crescent commencing at Magnolia Drive and extending to a point 36 feet westerly therefrom and on the west side of Magnolia Drive commencing at Lavina Crescent and extending 31 feet southerly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly.
21. That three-way stop control be implemented at the intersection of Margate Avenue and Southwood Drive and that the City Traffic By-law No. 89-72 be amended accordingly.
22. That the Public Works and Traffic Department be authorized to develop a traffic safety training program for elementary school students in Hamilton.

23. That a purchase order be issued to Niagara Paint Inc., Hamilton, Ontario, for the supply and delivery of traffic paint as and when required during 1997 by the Public Works and Traffic Department, being the lowest of five bids received and being in accordance with the specifications issued by the Purchasing Division's tender, and that the estimated expenditure of \$200,000 be financed through the Pavement Markings Account No. CH56153 75999.
24. That the duration of the parking meters on the north side of Hunter Street between John and James Streets be switched from 15 minutes to 1 hour, except for the first two meters immediately east and west of Hughson Street which will remain at 15 minute duration and that the City Traffic By-law No. 89-72 be amended accordingly.
25.
 - (a) That a School Crossing Guard be assigned to the intersection of Arnold Street and Dalewood Avenue during the morning and evening school crossing periods only for the balance of 1996 and up until the approval of the 1997 Departmental Budget; and,
 - (b) That consideration be given in the 1997 Current Budget deliberations for an expansion package of \$4,000 plus administrative costs for a School Crossing Guard at this location on a permanent basis.
26.
 - (a) That a School Crossing Guard be assigned to the intersection of Queen Victoria Drive and Redbury Street during the morning and evening school crossing periods only for the balance of 1996 and up until the approval of the 1997 Departmental Budget; and,
 - (b) That consideration be given in the 1997 Current Budget deliberations for an expansion package of \$4,000 plus administrative costs for a School Crossing Guard at this location on a permanent basis.
27.
 - (a) That a School Crossing Guard be assigned to the intersection of Barton Street East and Gage Avenue North during the morning and evening school crossing periods only for the balance of 1996 and up until the approval of the 1997 Departmental Budget; and,

- (b) That consideration be given in the 1997 Current Budget deliberations for an expansion package of \$4,000 plus administrative costs for a School Crossing Guard at this location.

- 28. (a) That a purchase order be issued to Econolite Canada Limited for the supply and delivery of vehicle signal heads as and when required in 1997 by the Traffic Division at the unit prices listed below, plus applicable taxes, being the lowest acceptable bid received for these items in accordance with the specifications issued by the Purchasing Division and Vendor's bid:

- (i) Vehicle Heads (Red/Amber/Green) \$172.58
- (ii) Vehicle Heads (Red/Amber/Green/Amber Arrow/Green Arrow) \$322.59
- (iii) Vehicle Heads (Red Ball/ 8" Amber Ball/Green Arrow) \$211.56
- (iv) Vehicle Heads (Red Ball/ 12" Amber Ball/Green Arrow) \$224.17
- (v) Vehicle Heads (Red Ball/ Amber Ball/Green Ball/Green Arrow) \$265.75
- (vi) Pedestrian Pushbutton Pelco SE-2002 \$ 29.15
- (vii) Pedestrian Pushbutton Pelco SE-2007 \$ 29.15; and,

- (b) That a purchase order be issued to Tacel Limited for the supply and delivery of pedestrian signal heads as and when required in 1997 by the Traffic Division at the unit prices listed below, plus applicable taxes, being the lowest acceptable bid received for these items in accordance with the specifications issued by the Purchasing Division and Vendor's bid:

- (viii) Pedestrian Signal Heads \$131.00; and,

- (c) That the purchases be financed through Traffic Signals Materials Account No. 56152-75999.

29. That a purchase order be issued to Fortran Traffic Systems Ltd., Scarborough, Ontario, for the supply and delivery of traffic signal controllers as and when required in 1997 by the Traffic Division, at the unit prices noted below, plus applicable taxes, in accordance with the specifications issued by Purchasing and Vendor's tender, and to be financed through Traffic Signals Materials Account No. 56152-75999.

(a)	36 circuit fully actuated solid state controllers	\$6,694.20 each
(b)	24 circuit fully actuated solid state controllers	\$5,847.00 each
(c)	24 circuit pretimed solid state controllers	\$5,842.37 each
(d)	area master controllers	\$3,855.80 each
(e)	communications modules	\$ 430.00 each
(f)	portable data transfer units	\$3,855.00 each

30. (a) That the following streets or sections of streets be designated as Snow Emergency Routes and added to the snow route system:

- (i) Longwood Road from Franklin Avenue to Macklin Street
- (ii) Anchor Road from Stone Church Road East to Harlowe Road
- (iii) Bigwin Road from Pritchard Road to Anchor Road
- (iv) Harlowe Road from Pritchard Road to Anchor Road; and,

- (b) That the City of Hamilton Traffic By-law No. 89-72 be amended accordingly.

31. (a) That the following City land be incorporated into the following streets:

Jeremy Street	Parcel A	Registered Plan 1053
Supreme Drive	Block 38	Plan 62M-715
Fano Drive	Block 30	Plan 62M-752

Gagliano Drive	Block 32	Plan 62M-622
	Block 36	Plan 62M-781
Eaglewood Drive	Block 21	Plan 62M-643
	Block 31	Plan 62M-622
	Parts 1,3,4,7,8,11,12	Plan 62R-9927; and,

- (b) That the By-laws to carry out the incorporation of the said land into the foregoing streets be enacted by Council; and,
- (c) That the Commissioner of Transportation be authorized and directed to register the By-laws.

32. (a) That the submitted schedules of works be adopted for inclusion in the Subdivision Agreement with the Owner for the estimated costs of services in:

"SAN LORENZO HEIGHTS - PHASE 2", Hamilton

City's Share, \$25,772 Owner's Share, \$151,588

"CLAUDETTE GARDENS - PHASE 8", Hamilton

City's Share, \$ Nil Owner's Share, \$69,809.08; and,

- (b) That the Mayor and City Clerk be authorized and directed to execute the proposed Subdivision Agreement with the Owner's of "San Lorenzo Heights - Phase 2" and "Claudette Gardens - Phase 8", Hamilton as well as any other related documents for these Subdivisions subject to the approval of the City Solicitor; and,
- (c) That the approval of the above-noted clauses be subject to the condition that no work be commenced until the Final Plan and Subdivision Agreement has been registered; and,
- (d) In the event that the Owners wish to proceed prior to the registration of the Final Plan and Subdivision Agreement being registered, they should be allowed to do so at their own risk provided that they enter into a standard agreement with the City of Hamilton for pre-servicing; and,
- (e) That the City's share of services in "San Lorenzo Heights - Phase 2", Hamilton (\$25,772) be approved and financed from Account Centre No. 00107 - Reserve for Services Through Unsubdivided Lands.

33. (a) That the Council approval of the Encroachment Agreement for a portion of the building and veranda for No. 310 Robert Street, approved on 1996 March 12 as Section 12 of the Fourth Report of the Transport and Environment Committee for 1996, be rescinded; and,
- (b) That the City Treasurer be authorized and directed to reimburse the owner of No. 310 Robert Street \$158.
34. (a) That the application of the Hess Village Merchants Association, representing the owners and operators of Municipal Nos. 13, 15, 18, 20, 24, 25 and 33, Hess Street South, to reestablish their Outdoor Patio Cafe Agreements on the weekend of the Grey Cup, 1996 November 21, 22, 23, and 24, be approved, subject to the following conditions:
- (i) That the prior approval of the Chief of Police or his designate be received, and that such permits or authorizations as may be required by the Chief of Police or his designate be obtained; and,
- (ii) That all barricading be supplied by and at the expense of the applicant; and,
- (iii) That the applicant provide proof of \$5,000,000 public liability insurance and liquor liability naming the Region and the City of Hamilton as an added insured party with a provision for cross liability, and holding the Region and the City of Hamilton harmless from all actions, causes of action, interests, claims, demands, costs, damages, expenses and loss; and,
- (iv) That the Liquor Licence Board of Ontario issue a temporary extension of liquor licence for the 1996 Grey Cup Downtown Festival, from Thursday, 1996 November 21 to Sunday, 1996 November 24; and,
- (v) That the applicant adhere to the regulations stipulated by the Liquor Licence Board of Ontario in the provision of alcohol; and,
- (vi) That Special Duty Officers as deemed necessary by the Hamilton-Wentworth Regional Police, be provided at the applicant's expense; and,

- (b) That the Liquor Licence Board of Ontario be advised that the City of Hamilton has no objection to the issuance of a temporary extension of liquor licence for the 1996 Grey Cup Downtown Festival on the Hess Street, from Thursday, 1996 November 21 to Sunday, 1996 November 24.

35. That purchase orders be issued for the supply and delivery of Highway Salt and Treated Screened Sand as and when required during the 1996/97 Winter Season by the Public Works and Traffic Department in accordance with specifications issued by Purchasing and Vendors' tenders and be financed through Stock Materials Account No. CH56197 60999, as follows:

<u>Sifto Salt</u>	<u>Delivered</u>
Highway Salt	\$36.65
Purchased before 1996 November 30	\$35.00
Terms of Discount: 1%, 15 days; net 30	
 <u>Washington Sand</u>	
<u>Mixture</u>	<u>Price Per Tonne</u>
1 to 3½	\$11.71
1 to 5	9.65
1 to 10	6.93
Delivery Charge	4.26

36. (a) That the Chairman or his designate be authorized to attend the Ontario Good Roads Association 1997 Annual Conference to take place on 1997 February 23 to February 26 at the Royal York Hotel, Toronto; and,
- (b) That costs for attendance be charged to Aldermen Travel Account No. CH55201 10010 in 1997.
37. That the Commissioner of Public Works and Traffic be authorized and directed to negotiate a three year price protected quotation for hot-in-place asphalt recycling on City of Hamilton streets at a price not to exceed \$3.38/m² based on a minimum 300,000m² per year with H.I.P. Hot-in-Place Recycling Equipment Inc.

38. That the West Central Branch of the Ministry of Environment and Energy (MOEE) be advised that the City of Hamilton objects to Provincial Environmental Services receiving a Certificate of Approval for a Waste Disposal Site (Processing) for the site located at No. 97 Frid Street, Hamilton.

NOTE: This issue lost on a tie vote at the Transport and Environment Committee. At the direction of the Committee and in accordance with City Procedural By-law No. 95-167 Section 36 (b), it is presented as a negative recommendation. REFERRED BACK

39. (a) That the City owned lands being bound by Sherman Avenue North, Burlington Street East, Birch Avenue and Brant Street, Hamilton, more particularly being firstly, part of Lots 65, 66 and 71; all of Lots 67, 68, 69 and 70; and part of Reserve "D", Registered Plan 471, designated as Part 4 on Plan 62R-12643; part of Reserves "C" and "E"; all of Lots 62 and 73; and part of Lots 63 and 74, Registered Plan 471, designated as Part 5 on Plan 62R-12643; all of Lots 1, 2, 3, 4, 5, 45, 46, 47, 48, 49, 50, 51, 52 and 53; and part of Lot 54, Registered Plan 471, designated as Part 8 on Plan 62R-12643; part of Lot 9, Concession 1, in the Geographic Township of Barton and part of Lots 5, 10 and Reserve; and all of Lots 6, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22 and 23, Registered Plan 547, designated as Part 9 on Plan 62R-12643, (save and accept Part 2 on Plan 62R-13894), comprising a total area of .997 hectares (2.463 acres) more or less; secondly, part of Gerrard Street, Registered Plan 471, more particularly described as Parts 6 and 7 on Plan 62R-12643, comprising a total area of 0.203 hectares (0.502 acres) more or less, save and except the westerly one foot thereof be declared surplus to the requirements of the City in accordance with the Realty Sales Procedural By-law No. 95-049, for the purpose of selling the property; and,
- (b) That an Offer to Purchase (Highway Closure) Agreement, to be executed by Philip Enterprises Inc., and scheduled to close on or before 1997 June 30, for the lands being bound by Sherman Avenue North, Burlington Street East, Birch Avenue and Brant Street, Hamilton, more particularly being firstly, part of Lots 65, 66 and 71; all of Lots 67, 68, 69 and 70; and part of Reserve "D", Registered Plan 471, designated as Part 4 on Plan 62R-12643; part of Reserves "C" and "E"; all of Lots 62 and 73; and part of Lots 63 and 74, Registered Plan 471, designated as Part 5 on Plan 62R-12643; all of Lots 1, 2, 3, 4, 5, 45, 46, 47, 48, 49, 50, 51, 52 and 53; and part of Lot 54, Registered Plan 471, designated as Part 8 on Plan 62R-12643; part of Lot 9, Concession 1, in the Geographic Township of Barton and part of Lots 5, 10 and Reserve; and all of

Lots 6, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22 and 23, Registered Plan 547, designated as Part 9 on Plan 62R-12643, referred to as Blocks AA, BB, CC and DD on Schedule "B" attached to the agreement, (save and accept Part 2 on Plan 62R-13894, as Schedule "C" attached to the agreement), comprising a total area of .997 hectares (2.463 acres) more or less; secondly, part of Gerrard Street, Registered Plan 471, more particularly described as Parts 6 and 7 on Plan 62R-12643, comprising a total area of 0.203 hectares (0.502 acres) more or less, save and except the westerly one foot thereof which is not included in this sale to the Purchaser be declared surplus to the requirements of the City in accordance with the Realty Sales Procedural By-law No. 95-049, for the purpose of selling the property, be approved and completed as the requirements in the Municipal Act pursuant to the City's Real Property Procedural By-law No. 95-049 enacted on 1995 February 14 have been fulfilled by the City, and the funds derived from this sale of \$348,750, be credited to Account No. CF4402 308750001 (Land Sales - Enclave Clearance Program); and,

- (c) That the required deposit cheque in the amount of \$17,437.50 be held by the City Treasurer pending Council approval; and,
- (d) That the Mayor and City Clerk be authorized and directed to execute the necessary documents in a form satisfactory to the City Solicitor; and,
- (e) That in accordance with Real Property Sales Procedural By-law No. 95-049:
 - (i) satisfactory notice has been given to the public of the intended sale; and,
 - (ii) no appraisal of the fair market value of the real property intended to be sold was obtained as industrial lands and highway closures and sales are exempt from the appraisal requirements of Section 193 of the Municipal Act; and,
 - (iii) the City Clerk be authorized and directed to execute (and issue) a Certificate of Compliance in the form prescribed pursuant to Section 193 of the Municipal Act.

40. That the following Bills be adopted, signed, sealed and enrolled as By-laws:

- (a) A-56 A By-law to Amend By-law No. 89-72 to Regulate Traffic

1996 November 12

- (b) A-57 A By-law to Amend By-law No. 89-72 to Regulate Traffic
- (c) A-58 A By-law to Incorporate City Land Designated as Parcel A, Registered Plan 1053 into Jeremy Street
- (d) A-59 A By-law to Incorporate City Land Designated as Block 38, on Plan 62M-715 on Supreme Drive
- (e) A-60 A By-law to Incorporate City Land Designated as Block 30, on Plan 62M-752 into Fano Drive
- (f) A-61 A By-law to Incorporate City Land Designated as Block 32, on Plan 62M-622 and Block 36, on Plan 62M-781 into Gagliano Drive
- (g) A-62 A By-law to Incorporate City Land Designated as Block 21, on Plan 62M-643, Block 31, on Plan 62M-622 and Parts 1, 3, 4, 7, 8, 11 and 12 on Plan 62R-9927 into Eaglewood Drive
- (h) A-63 A By-law to Authorize the Sale of the Closed Alley Parallel to Tisdale Street, between King Street and Main Street, as closed by Judge's Order 174069 VM, Designated as Parts 1 and 2, on Plan 62R-13270 and Parts 1, 2 and 3, on Plan 62R-5120
- (i) A-64 A By-law to Authorize the Sale of Part of the Alley Adjacent to 95 Ferguson Avenue South, as closed by Judge's Order VM232957, Designated as Part 1, on Plan 62R-13138

Respectfully Submitted,

Kevin C. Christenson
Secretary

ALDERMAN H. MERLING, CHAIRMAN
TRANSPORT AND ENVIRONMENT COMMITTEE

1996 November 4

JJS/dg

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Planning and Development Committee presents its **EIGHTEENTH** Report for 1996 and respectfully recommends:

1. That Zoning Application 96-06, Harnox Holdings Ltd., owner, requesting a modification to the established "HH" (Restricted Community Shopping and Commercial, etc.) District for lands located at 1051 Upper James Street, to permit a residential care facility for 115 residents, as shown on the attached map marked as APPENDIX "A", be **DENIED** on the following basis:
 - (a) It conflicts with the intent of the Official Plan in that the proposal does not provide adequate amenity area for the residents and adequate on-site parking in that 39 spaces are required to be provided whereas 19 on-site spaces can be provided;
 - (b) The proposal represents an over intensification of the site in that residential care facilities with a maximum capacity of 20 residents are permitted as-of-right in other commercial districts such as the "H" District and "I" District. The proposed capacity is 5.75 times higher than the maximum number of residents permitted in other commercial districts. Such a facility would be considered to be an institutional use and therefore is contrary to the intent and philosophy of the By-law which was developed to promote smaller facilities which approximates a family housing arrangement.
2. **DELETED.**
3. That a Hamilton Emergency Loan (H.E.L.P.) in the amount of two thousand dollars (\$2,000) be approved for Emily Archer, 327 Hixon Road, Hamilton. The interest rate will be 8 per cent amortized over 5 years.
4. That approval be given to a request by Neon Products Limited on behalf of the owner Queenston Chev Olds, owner of the lands at 282 Centennial Parkway North, as shown on the attached map marked as APPENDIX "B", to exempt the proposed ground (pylon) signs from Site Plan Control procedures subject to the approval of the Committee of Adjustment for the following variances:
 - (a) to reduce the required front yard for three ground (pylon) signs from 6.0m to 3.048m; and,

- (b) to permit the height of the three ground (pylon) signs to be 10.7m (35ft.), 8.53m (28 ft.), and 6.0m (19.6 ft.) instead of the maximum 6.0m.
5. That the City of Hamilton accept the sum of \$40,000. as a cash payment in lieu of the 5% land dedication in connection with Gagliano Gardens Addition, Hamilton, being the cash payment required under Section 51.1 of the Planning Act.
6. That the following Bills be adopted, signed, sealed and enrolled as By-laws:
- (a) C-63 A By-law to Amend By-Law No. 93-167 Respecting Building Permit Fees.
- (b) C-64 A By-law to Designate Downtown Hamilton As A Community Improvement Project Area.
- (c) C-65 A By-law to Adopt The Downtown Hamilton Community Improvement Plan.
7. (a) That Schedule "B" of By-law No. 95-042, appointing the Westdale Village B.I.A. Board of Management be repealed and the following substituted therefore:

SCHEDULE 'B'

D. Upsdell	Westdale Jewellers Ltd.
S. Snider	The Picture Frame
M. B. Ledden	Judy Marsales Real Estate
R. Lahie	Jack Carruth Shoes Ltd.
G. Ditner	Cottage Florist
D. Simpson	Simpson Watson and Vujnovic
C. Gerrie	Journey to the East
K. Patterson	Oddities
D. Thorne	Truth
B. Davison	Design House Inc.

- (b) That the City Solicitor be authorized and directed to amend Schedule 'B' of By-law No. 95-042 pursuant to (a) above. **ADDED.**

1996 November 12

8. That the following Bill be adopted, signed, sealed and enrolled as a By-Law:

- (a) C-66 A By-Law to Amend By-Law No. 86-98 as amended by By-Laws No. 92-074 and 95-042 respecting Members of the Westdale Business Improvement Area.
ADDED.

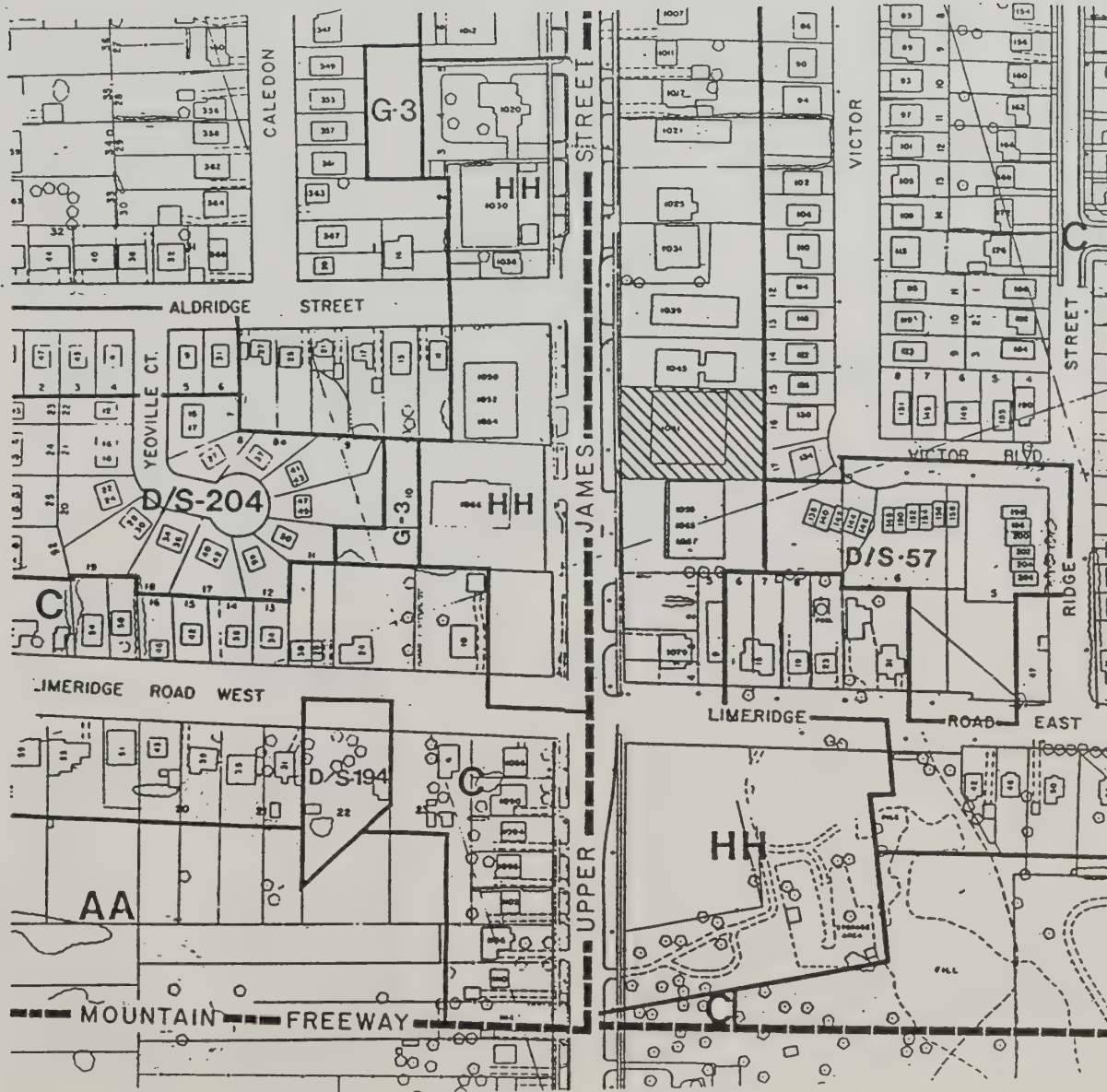
Respectfully submitted,

**ALDERMAN F. D'AMICO, VICE-CHAIRPERSON
PLANNING AND DEVELOPMENT COMMITTEE**

**Tina Agnello, Secretary
1996 November 6**

1996 November 12

Appendix "A" referred to in
Section 1. of the **EIGHTEENTH**
Report of the Planning and Development
Committee for 1996.



Legend

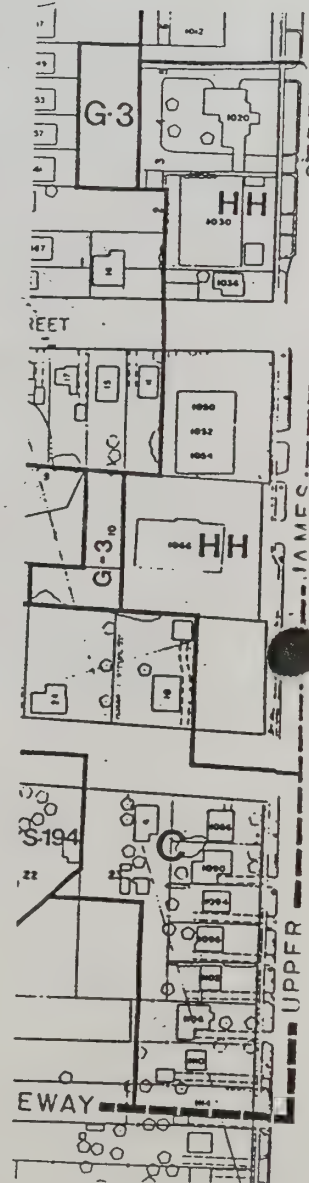


Site of the Application

ZAC-96-06

1996 November 12

Appendix "B" referred to in
Section 4. of the EIGHTEENTH
Report of the Planning
Development Committee for 1996.



<table border="1"> <tr> <td>27</td> <td>28</td> <td>28</td> </tr> <tr> <td>104</td> <td>94</td> <td>54</td> </tr> <tr> <td>85</td> <td>115</td> <td>114</td> </tr> </table> This is not a Legal Document For Zoning Verification Please Contact City Building Department	27	28	28	104	94	54	85	115	114	CITY OF HAMILTON LAKELY ZONING
27	28	28								
104	94	54								
85	115	114								
Neighbourhood Boundary Zoning Boundary Prepared for The City of Hamilton by the Planning and Development Department	SCALE 0 50m 100m PLANNING UNIT NO. 6410 PAGE NO. 94									

Legend

Site of the Ap

REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Finance and Administration Committee presents its **EIGHTEENTH** Report for 1996 and respectfully recommends:

1. (a) That the Liquor Licence Board of Ontario be advised that the City of Hamilton is aware of the application of The Prince Edward Tavern, 737 Barton Street East for a temporary extension of their liquor licence to operate a beer tent on their parking lot from Friday, 1996 November 22nd until Sunday, 1996 November 24th; and,

(b) That the Liquor Licence Board of Ontario be advised that conditional upon the requirements of the Hamilton-Wentworth Regional Police being satisfied, that the City has no objection to the issuance of a Temporary Extension of Liquor Licence.
2. (a) That the City be authorized to enter into an Extension Agreement, if required, in a form satisfactory to the City Solicitor and the City Treasurer pursuant to Section 8 of the Municipal Tax Sales Act, with the owner of the following property to extend the time open for payment of realty tax arrears in accordance with the policy for extension agreements approved by City Council on 1994 June 28:

234 Graham Ave S.

(b) That the by-law to authorize the said Extension Agreement be enacted by Council; and,

(c) That the Mayor and City Clerk be authorized to execute the aforesaid by-law and extension agreement.
3. That a purchase order be issued to Regional Ford New Holland Ltd., Freelton in the amount of \$75,210, including all applicable taxes, for the replacement of Units 9504 and 9050 for Fleet Services, being the lowest total acquisition cost of three tenders received in accordance with specifications issued by Purchasing and Vendor's tender, and be financed through the Reserve for Mobile Equipment Account No's. CH5X503 00101 and CH5X505 00101.

4. That a purchase order be issued to Regional Ford New Holland Ltd., Freelon in the amount of \$22,425, including all applicable taxes and trade-in, for the replacement of Unit 9410 for Fleet Services, being the lowest total acquisition cost of two tenders received in accordance with specifications issued by Purchasing and Vendor's tender, and be financed through the Reserve for Mobile Equipment Account No. CH5X503 00101.
5. That the following H.E.C.F.I. Capital Accounts with \$39,710.46 of excess financing be returned to the H.E.C.F.I. Reserve Account for Capital Projects:

Capital Centre Number	Project Description	Authorized Gross Cost	Expended-Committed to Date	Balance Available
CF 929151021	Studio Theatre Equipment and Chairs	\$ 80,000.00	\$ 79,340.65	\$ 659.35
CF 929241004	Hamilton Place - Barrier Free Accessibility	\$ 75,000.00	\$ 68,678.23	\$ 6,321.77
CF 929251006	Replace/Renovate Facilities and Equipment	\$175,000.00	\$172,551.02	\$ 2,448.98
CF 929441029	Hamilton Place Sound Reinforcement System	\$240,000.00	\$236,934.64	\$ 3,065.36
CF 929541017	Convention Centre Repair Exterior Walkway	\$ 70,000.00	\$ 70,000.00	0
CF 929541019	Hamilton Place Modify Entrance Doors	\$ 60,000.00	\$32,785.00	\$27,215.00
TOTAL:				\$39,710.46

6. That the listing of Appointments to and Terminations from Permanent Positions with the Corporation of the City of Hamilton to 1996 October 24, attached herewith and marked Appendix "A", be approved.

7. (a) That staff, including representatives from the Culture and Recreation Department, negotiate with the Art Gallery of Hamilton to develop an agreement for the provision of a municipal art gallery; and,

(b) That the Art Gallery of Hamilton be requested to advise the City of its review of the Assessment Act and the exemption for a "public commission".
8. (a) That the City Clerk be authorized to place an advertisement in the 1996 Grey Cup Souvenir Magazine promoting the City of Hamilton at an estimated cost of \$1,850; and,

(b) That funding for this expenditure be charged to Account No. CH56302-12001 (Advertising and Promotion).
9. That approval be given to The Hamilton and District Chamber of Commerce to use the City of Hamilton Coat of Arms on saleable merchandise for the purpose of promoting the City, subject to the specific list of items to be sold receiving the approval of the Finance and Administration Committee.
10. That City Council consent to the use of the name "Hamilton" in the proposed incorporation of "Research St. Joseph's - Hamilton".
11. (a) That the City of Hamilton purchase a table of 10 at a cost of \$600 for the 1996 Awards Dinner for the Hamilton Gallery of Distinction to be held on Wednesday, 1996 November 13th at the Hamilton Convention Centre; and,

(b) That funding for this expenditure be charged to the Unclassified Account No. CH 55113 24201.
12. (a) That the City Treasurer cease participation with Mississauga and Scarborough in the joint development and implementation of a new computerized taxation system; and,

(b) That the City Treasurer undertake changes to the existing tax system in order to accommodate the millennium; to develop software to manage and implement the Actual Value Assessment being proposed by the Provincial Government, and modify the current system in order to automate a number of the tax processes; and,

- (c) That the City Treasurer take the appropriate steps to acquire a point of sale system for the implementation of customer service improvements within the taxation area.
- 13.
- (a) That the appointments for the City's Insurance Brokers of Records, Johnson & Higgins Ltd. (liability insurance) and Alexander & Alexander Reed Stenhouse (property insurance) be extended from 1996 December 1 to 1997 September 1; and,
 - (b) That the City Solicitor be authorized to initiate a Request for Proposal in respect of the appointment of Insurance Broker(s) of Record responsible for the City's insurance portfolio and related risk management services.
14. That the following properties be declared surplus to the requirements of the City in accordance with the Realty Sales Procedural By-law 95-049, in order that action may be taken to dispose of same:
- (a) 280 Cumberland Avenue
 - (b) 84 Poulette Street
 - (c) 1 Spruceside Avenue
 - (d) 70 Lake Avenue North
 - (e) 203 Paradise Road North
- 15.
- (a) That the City of Hamilton provide funding in the amount of \$7,500 for the City's hosting of the 1996 Federation of Canadian Municipalities Big City Mayors Caucus Meeting being held in Hamilton on 1996 November 21st to 24th; and,
 - (b) That funding for this hosting be charged to Account CH 54307 80040 (Hosting of Conference with Municipal Subject Content).
- 16.
- (a) That Management Team present to the Committee of the Whole by 1997 February 25, a report as part of the 1997 Budget deliberations, on the service level, staffing and financial impacts of a zero percent tax increase based on 1997 Maintenance Budgets; and,

- (b) That all Boards, Sub-Committees and other discretionary activities be asked to participate equally with respect to corporate reduction targets; and,
 - (c) That Local Boards (H.E.C.F.I., Library and Parking Authority) be requested to make presentation to the Committee of the Whole during 1997 Budget deliberations with respect to their operating budgets and their Service/Business Plans; and,
 - (d) That Expansion Packages be considered as additions to the mill (tax) rate; and,
 - (e) That the timetable for considering the 1997 Current and Capital Budgets, attached hereto as Appendix "B" be approved.
17. (a) That a letter be sent to the Assessment Division of the Ministry of Finance requesting that the portion of the retail floor space in Phase IV of Jackson Square occupied by non profit organizations, be treated on an equitable basis with the third floor of the Hamilton Eaton Centre; and, **REPLACED.**
- (b) That a letter be sent to the Management of Lloyd D. Jackson Square requesting that they not proceed with the eviction of all non profit organizations from the retail floor space in Phase IV.
18. That the following Bills be adopted, signed, sealed and enrolled as By-laws:
- (a) D-56 A By-law to Authorize an Extension Agreement for Payment of Realty Tax Arrears.
 - (b) D-57 A By-law to Confirm the Proceedings of the Council of The Corporation of the City of Hamilton.
19. That the Memorandum of Agreement between the Corporation of the City of Hamilton and C.U.P.E. Local 167, dated 1996 October 29th, covering the period between 1996 April 1 to 1999 March 31 be approved and implemented in accordance with the terms therein. **ADDED.**

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Agro, McCulloch, Morelli, Copps, Wilson, Eisenberger, Collins, Charters, Jackson, Anderson, D'Amico, Ross. -14

NAYS: Alderman Caplan. -1.

CARRIED.

20. (a) That the Liquor Licence Board of Ontario be advised that the City of Hamilton has deemed the Grey Cup Game and Festival being held in the City of Hamilton during the weekend of 1996 November 21 - 24 to be events of national and municipal significance; and,
- (b) That the Liquor Licence Board of Ontario be further advised that the City of Hamilton is aware of the application of Last Minute Larry's Bar and Grill located within the Royal Connaught/Howard Johnson Plaza Hotel for an extension of hours on Saturday, 1996 November 23rd in order to commence serving liquor at 9:00 o'clock a.m. until 11:00 o'clock a.m. for the Annual C.B.C. Sportswriters' "Heart-Starter Breakfast" function and presentation and "Hall of Fame" Inductee gathering in conjunction with the Grey Cup. **ADDED.**

Respectfully submitted,

**ALDERMAN B. CHARTERS, CHAIRMAN
FINANCE AND ADMINISTRATION COMMITTEE**

**Kevin C. Christenson
Acting Secretary
1996 November 5**

THE CORPORATION OF THE CITY OF HAMILTON

APPOINTMENTS TO PERMANENT POSITIONS

<u>NAME</u>	<u>STATUS</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON HIRED</u>	<u>SALARY SCHEDULE</u>	<u>EFFECTIVE DATE</u>
Ms. Tracy Baldry	I	Sanitation Worker	Public Works	Replacing Mr. W. Morden - deceased, Feb. 14/96	\$36,670.40	Sept. 19/96
Mr. Glen Burgoin	I	Sanitation Worker	Public Works	Replacing Mr. M. Crease - effective Sept. 19/96	\$36,670.40	Sept. 19/96
Ms. Cindy Cannon	I	Parking Control Officer	Traffic	Replacing Mr. G. Dans - retired, March 29/96	\$34,061.56 to \$38,905.36	Oct. 14/96
Mr. Raymond Chabot	I	Rink Attendant I	Culture & Recreation	New Position Council Approved Aug. 27/96	\$36,780.64	Sept. 30/96
Mr. Frank Deluca	I	Rink Attendant I	Culture & Recreation	New Position Council Approved Aug. 27/96	\$36,780.64	Sept. 30/96

1996 November 12

Appendix "A" referred
to in Section 6 of the
EIGHTEENTH Report of
the Finance and
Administration
Committee for 1996.

Prepared October 24, 1996

Status -
Internal - I
External - E

1996 November 12

THE CORPORATION OF THE CITY OF HAMILTON

APPOINTMENTS TO PERMANENT POSITIONS

NAME	STATUS	CLASSIFICATION	DEPARTMENT	REASON HIRED	SALARY SCHEDULE	EFFECTIVE DATE
Mr. Mickey Moore	I	Sanitation Worker	Public Works	Replacing Mr. M. Cawte - effective Sept. 19/96	\$36,670.40	Sept. 19/96
Mr. Edward Pavao	I	Facility Supervisor	Culture & Recreation	New Position Council Approved Aug. 27/96	\$38,074.40 to \$43,763.20	Oct. 07/96
Mr. Carmine Porco	I	Rink Attendant I	Culture & Recreation	New Position Council Approved Aug. 27/96	\$36,780.64	Sept. 30/96
Mr. John Ross	I	Rink Attendant I	Culture & Recreation	New Position Council Approved Aug. 27/96	\$36,780.64	Sept. 30/96
Mr. Nick Sarievski	I	Rink Attendant I	Culture & Recreation	New Position Council Approved Aug. 27/96	\$36,780.64	Sept. 30/96
Mr. Jamie Sherriff	I	Sanitation Worker	Public Works	Replacing Mr. G. Green - effective Sept. 19/96	\$36,760.40	Sept. 19/96

Prepared October 24, 1996

Status -
Internal - I
External - E

THE CORPORATION OF THE CITY OF HAMILTON

TERMINATIONS FROM PERMANENT POSITIONS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON</u>	<u>LENGTH OF SERVICE</u>	<u>EFFECTIVE DATE</u>
Ms. Sara Bradley	Customer Service Rep/ Plan Examiner	Building	Resigned	2 years, 4 months	Oct. 08/96
Mr. William Douglas	Chief Operations Engineer	Property	Deceased	16 years, 2 months	Sept. 10/96
Mr. Frank Filice	Concrete Finisher	Public Works	Terminated	9 years, 4 months	Oct. 16/96
Mr. K. Mark Jolley	Support Services Technician	Information Systems	Resigned	7 years, 6 months	Sept. 27/96
Mr. Steve LeLievre	Program Organizer	Culture & Recreation	Deceased	9 years, 7 months	Sept. 27/96
Mr. Robert Martiniuk	Manager Architectural Division	Building	Resigned	9 years, 3 months	Oct. 04/96
Mr. Frank Okos	Greenskeeper II	Culture & Recreation	Resigned	11 years, 3 months	Sept. 12/96

Prepared October 24, 1996

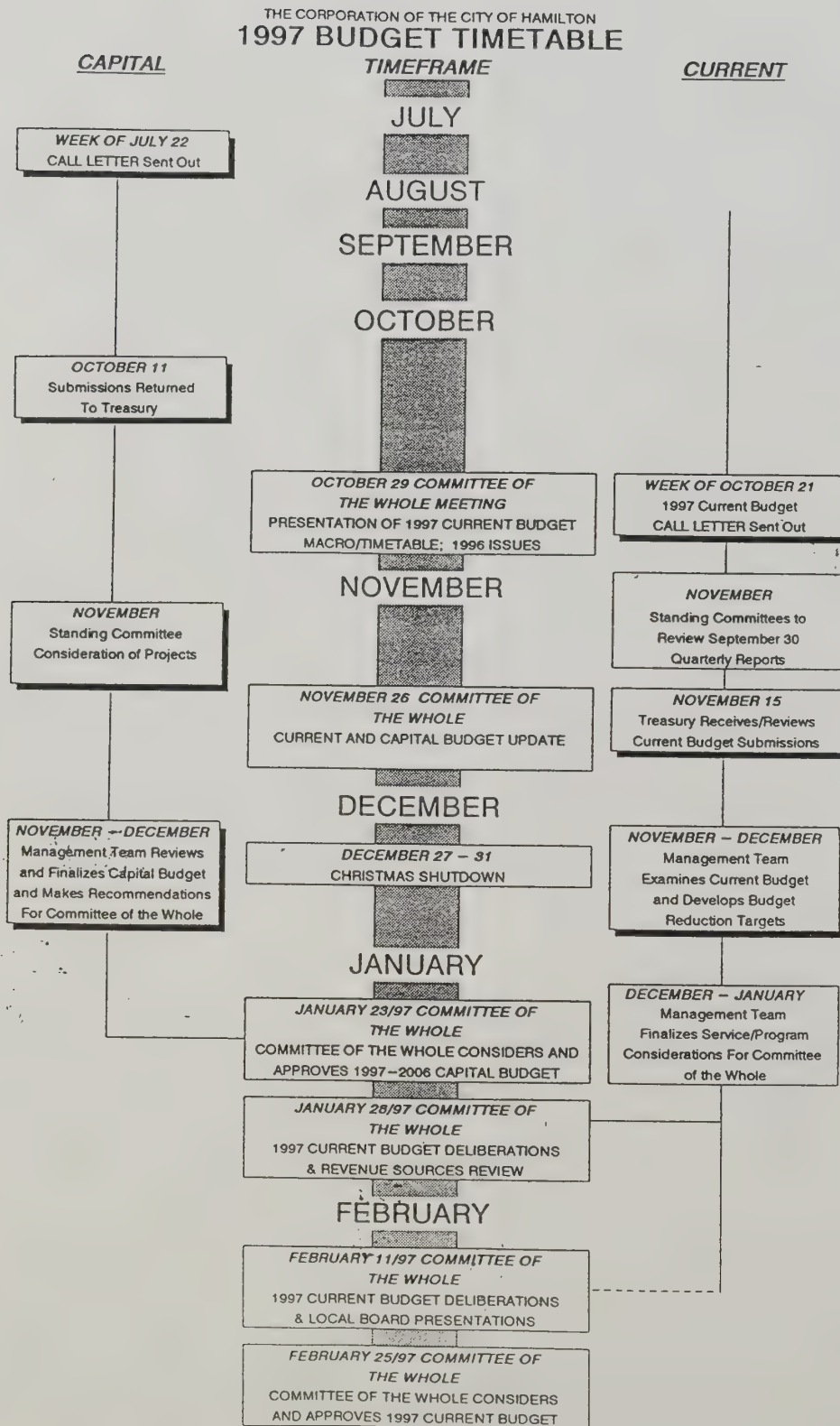
Glossary of Terms

Terminated -- long term disability
 -- discharge
 -- downsizing
 -- redundant

Resigned -- personal betterment
 -- personal reasons

1996 November 12

Appendix "B" referred
to in Section 16(e) of the
EIGHTEENTH Report of
the Finance and
Administration
Committee for 1996.



REPORT OF THE NOMINATING COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Nominating Committee presents its SIXTH Report for 1996 and respectfully recommends:

1. That the following citizen be appointed to the Hamilton Public Library Board for a term to expire 1997 November 30:

Dawna M. Petsche-Wark

2. That the following citizen be appointed to the Hamilton-Hydro Electric Commission for a term to expire 1999 January 31:

Donald Jervis

3. That the following citizens be appointed to the Hamilton Entertainment and Convention Facilities Inc. for a term to expire 1999 December 31:

Fred Deys
Mary Dow
Andy Skrypniak

4. That the following citizens be appointed to the Hamilton Historical Board for a term to expire 1999 November 30:

Dennis Carson
Michael Murkovich
Victoria Reiding

RESPECTFULLY SUBMITTED

**MAYOR R. M. MORROW
CHAIRMAN,
NOMINATING COMMITTEE**

J.J. Schatz, Secretary
1996 November 12

CAY ON HBL AOS
M21
1996

Minutes of Special Meeting of
Hamilton City Council
Tuesday, 1996 November 19
7:15 o'clock p.m.
Council Chamber, City Hall

URBAN MUNICIPAL

NOV 23 1996

GOVERNMENT DOCUMENTS

The Council met:

Present: Mayor Morrow.
Aldermen Kiss, Caplan, Agro, Drury, Morelli, Copps, Wilson, Collins,
Charters, Jackson, Merling, D'Amico, Ross.

Absent: Alderman W. McCulloch - civic business
Alderman F. Eisenberger - civic business
Alderman T. Anderson - civic business

Mayor Morrow called the meeting to order.

SUSPENSION OF RULE 3 (d)

It was moved by Alderman Ross and seconded by Alderman D'Amico that Rule 3(d) of the Procedural By-law No. 95-167 respecting the giving of notice for a special meeting of City Council be suspended for this meeting of City Council. **CARRIED.**

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that the resolution respecting participation by the City of Hamilton in the Federation of Canadian Municipalities 20% Club be considered in Committee of the Whole with Mayor Morrow in the chair.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, Drury, Morelli, Copps,
Wilson, Collins, Charters, Jackson, Merling, D'Amico, Ross. -14

NAYS: -0. **CARRIED.**

RESOLUTION

Rule No. 9 Re: 20% Club

It was moved by Alderman Ross and seconded by Alderman Morelli that Rule No. 9 of Procedural By-law 95-167 be suspended for this meeting of City Council in order to permit consideration of a resolution respecting participation by the City of Hamilton in the Federation of Canadian Municipalities 20% Club. **CARRIED.**

* * * * *

Resolution respecting participation by the City of Hamilton in the Federation of Canadian Municipalities

It was moved by Alderman Ross and seconded by Alderman Drury

- a) That the City of Hamilton commit to working towards reducing greenhouse gas emissions by 20% of 1990 levels first within municipal operations and, then throughout the regional area by the year 2005;
- b) That the Federation of Canadian Municipalities be advised in writing that the City of Hamilton is in support of the "20% Club" and is interested in participating in the Club; and,
- c) That a copy of Report ENV 95-002(a) be included in the correspondence to the Federation of Canadian Municipalities. **CARRIED.**

* * * * *

Resolution re: Adoption of Bill D-58: A By-law to Confirm the Proceedings of Council.

It was moved by Alderman Ross and seconded by Alderman Drury

That the following Bill be adopted, signed, sealed and enrolled as a By-law:

D-58: A By-law to Confirm the Proceedings of the Council of the Corporation of the City of Hamilton. **CARRIED.**

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Report of the Committee of the Whole on the Resolution be adopted.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, Drury, Morelli, Copps, Wilson, Collins, Charters, Jackson, Merling, D'Amico, Ross. -14

NAYS: -0.

CARRIED.

* * * * *

City Council then adjourned at 7:20 o'clock p.m.

* * * * *

Taken as read and approved.

MAYOR R. M. MORROW

J. J. Schatz
1996 November 19
JJS/dg

URBAN/MUNICIPAL
CAY ON HBL A05
M21
1996

1996 November 26

Minutes of Hamilton City Council
Tuesday, 1996 November 26
7:30 o'clock p.m.
Council Chamber, City Hall

URBAN MUNICIPAL

DEC 6 1996

GOVERNMENT DOCUMENTS

The Council met:

Present: Mayor Morrow.
Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson,
Eisenberger, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross.

Mayor Morrow called the meeting to order.

* * * * *

The National Anthem was played.

* * * * *

Pastor Ron Sikkema, First Reformed Church led Council in prayer.

ADOPTION OF MINUTES

The minutes of the meetings held:

- (a) 1996 November 12 (regular meeting) and,
- (b) 1996 November 19 (special meeting) were adopted as circulated.

PRESENTATIONS

Mayor R. Morrow presented framed photographs showing the redeveloped Mountain Drive Park to Mr. Pielechaty, Mr. Bud Kennish and Mr. Willem Van der Beek in acknowledgement of their financial contribution to this project.

* * * * *

Mayor R. Morrow was presented with "The Automated Image" poster by Mr. Mansaram.

CORRESPONDENCE

1. Letter dated 1996 November 8 from Brian K. Nixon, Director, Ministry of Environment and Energy respecting Amendment Number 101 to the Niagara Escarpment Plan.

Referred to the Planning and Development Committee

2. Letter dated 1996 November 7 from Ms. Susan L. Steele, Town Clerk for the Corporation of the Town of Dundas respecting St. Joseph's Villa Day Care Program - Financial Support.

Referred to the Finance and Administration Committee

* * * * *

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Reports of the the Parks and Recreation Committee, the Planning and Development Committee, the Finance and Administration Committee, the Nominating Committee, and the Committee of the Whole Report be considered in Committee of the Whole with Alderman Anderson in the chair.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -17

NAYS: -0.

CARRIED.

PARKS AND RECREATION COMMITTEE - FIFTEENTH REPORT

Section 16 Re: Bayfront and Pier 4 Parks Plan - Development Concept #2

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Copps, Wilson, Eisenberger, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -16

NAYS: Alderman Morelli. -1.

CARRIED.

PLANNING & DEVELOPMENT COMMITTEE - NINETEENTH REPORT

Section 1 Re: Subdivision Application 96-02 - Kordun Street and Upper Paradise Rd

It was moved by Alderman D'Amico and seconded by Alderman Merling that Section 1(A) (a) (xxiv) of the Nineteenth Report of the Planning and Development Committee for 1996 be amended by deleting Sub-section A(a)(xxiv) and replacing it with the following:

"That a construction access road be established and constructed to Upper Paradise Road through lands to the east and/or south of this plan of subdivision prior to the development of these lands, to the satisfaction of the Commissioner of Environment."

CARRIED.

* * * * *

Section 2 Re: City Initiative 96-I respecting elimination of the parking requirement

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, Drury, Morelli, Wilson, Eisenberger, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -15.

NAYS: Aldermen McCulloch, Copps. -2

CARRIED.

FINANCE & ADMINISTRATION COMMITTEE - NINETEENTH REPORT

NOMINATING COMMITTEE - SEVENTH REPORT

COMMITTEE OF THE WHOLE - EIGHTH REPORT

ACTING MAYOR FOR THE MONTH OF DECEMBER, 1996

It was moved by Alderman Caplan and seconded by Alderman Copps that Alderman M. Kiss be appointed Acting Mayor for the month of December, 1996. **CARRIED.**

NOTICE OF MOTION FROM PREVIOUS MEETING

November 12, 1996

It was moved by Alderman Eisenberger and seconded by Alderman Wilson that Hamilton City Council endorse and approve the final "Memorandum of Negotiations", conducted with Gardner Church and agreed upon by the Negotiating Teams representing the City of Hamilton, the City of Stoney Creek, the Town of Ancaster and the Township of Glanbrook.

* * * * *

It was moved by Alderman Jackson and seconded by Alderman Morelli that the Notice of Motion of Alderman F. Eisenberger respecting Local Government Restructuring be tabled to the next regular meeting of City Council on December 10, 1996.

Recorded vote.

YEAS: Aldermen Kiss, Drury, Morelli, Copps, Wilson, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -12.

NAYS: Mayor Morrow, Aldermen Caplan, Agro, McCulloch, Eisenberger, 5. **CARRIED.**

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Report of the Committee of the Whole on the Reports of the Parks and Recreation Committee, the Planning and Development Committee, the Finance and Administration Committee, the Nominating Committee, the Committee of the Whole Report and resolutions be adopted.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -17

NAYS: -0. **CARRIED.**

City Council then adjourned at 8:35 o'clock p.m.

Taken as read and approved.

MAYOR R. M. MORROW

J. J. Schatz
1996 November 26
JJS/dg

REPORT OF THE PARKS AND RECREATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Parks and Recreation Committee presents its **FIFTEENTH** Report for 1996 and respectfully recommends:

1. (a) That approval be given to the Director of the Culture and Recreation Department to deaccession the two dimensional objects from the Hamilton Military Museum collection listed on Appendix "A" attached hereto; and,
(b) That the deaccessioned items listed on Appendix "A", be transferred to the Military Museum's non-artifact collection for use as display props or in educational programming according to the Museum Policy.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Copps, Wilson, Eisenberger, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -16

NAYS: Alderman Morelli. -1.

CARRIED.

2. That approval be given to the Director of the Culture and Recreation Department to expend up to \$1,300 from the Hamilton Children's Museum Trust Account No. CH5X942 00813 for the purchase of a larger aquarium for the exhibit floor at the Hamilton Children's Museum.
3. (a) That a plaque commemorating the historical and architectural significance of the MacNab-Charles Heritage Conservation District be initiated and later installed at the south entrance to the MacNab-Hurst Place pedestrian tunnel; and,
(b) That the appropriate plaque wording be forwarded to Parks and Recreation Committee for information at a future date; and,
(c) That the cost for the plaque, estimated at \$2,000 to \$2,500 be charged to Account No. CH55976 71505; and,

- (d) That designated property plaques for the Toronto, Hamilton and Buffalo Railway Station and 252 James Street South be initiated pending the availability of funds in Account No. CH55976 71505.
4. That approval, as required by Section 26 of the Fireworks By-law No. 90-198 and Section 5 of the Parks By-law No. 95-126, be granted to the City of Hamilton to hold two stationary fireworks displays, each one minute in length, at Commonwealth square on Tuesday 1996 December 31, at approximately 8:15 o'clock p.m. and 12:00 o'clock midnight, subject to the following terms and conditions:
- (a) That a licensed fireworks operator be contracted from Hands Fireworks Inc. be responsible for carrying out the fireworks display; and,
 - (b) That Hands Fireworks Inc. have in place \$5 million Comprehensive General Liability Insurance for Property Damage and Bodily Injury, naming the City as co-insured with a cross liability endorsement; and,
 - (c) That Special Duty Police Officers as deemed necessary be at the cost of the event organizers; and,
 - (d) That the organizer assume the responsibility for all labour-related costs as a result of this event including set up and clean up; and,
 - (e) That the terms and conditions be reviewed and monitored by the Special Events/Festival Advisory Team.
5. That the Director of Culture and Recreation be authorized to waive greens fees in order to host the Hunter Armitage Tournament on 1997 July 8 at Chedoke Golf Course.
6. That the Director of Culture and Recreation be authorized to waive greens fees in order to host the Ontario Ladies' Golf Association Sectional in August 1997 at Chedoke Golf Course.
7. (a) That the individuals listed on Appendix "B" attached hereto be confirmed as being the volunteer Executive Committee for the Hamilton-Brantford 2001 Canada Summer Games Bid Team in anticipation of the Bid being short listed for consideration by the Canada Games Council; and,

- (b) That Aldermen Fred Eisenberger, Bernie Morelli and Terry Anderson be confirmed as Council's representatives on the Bid Partners Group; and,
 - (c) That the individuals listed on Appendix "C" be confirmed as the Staff Resource Group assigned to support the work of the Executive Committee in winning the Bid for Hamilton-Brantford; and,
 - (d) That Council express its appreciation to Mr. Colin Millar for his contributions to developing the Bid and the Bid team and to Mr. Ron Foxcroft and his Bid Team for their outstanding performance on Provincial Site Evaluation Day.
- 8.
- (a) That, subject to verification of system compatibility, the Director of the Culture and Recreation Department be authorized to enter into a contract with Escom Software Services to provide a computerized facility permitting system called "Class", being the best qualified bid, to an upset limit of \$25,000; and,
 - (b) That the Director of Culture and Recreation be authorized to implement system upgrades inclusive of network and e-mail access for Culture and Recreation facilities in accordance with City standards to an upset limit of \$160,000; and,
 - (c) That the City Treasurer be authorized to set up a work-in-progress account in the amount of \$160,000 for the above-noted purchases; and,
 - (d) That the project be financed from the Reserve for System Improvements Account CH00130.
- 9.
- (a) That the Director of Culture and Recreation be authorized to implement the 1997 Business Plan for The Coach House at Dundurn Castle dated 1996 November 11, available for viewing in the Office of the City Clerk; and,
 - (b) That the new organizational structure for the Cultural Division, Department of Culture and Recreation, attached hereto as Appendix "D", be approved.

10. (a) That the City Treasurer be directed to revise the T. B. McQuesten Multi-Cultural Park Development Capital Account Centre No. CF629254005 as T. B. McQuesten Park on Upper Wentworth as a Community Park with a revised gross cost of \$2,115,525 (i.e. \$395,525 amount spent and committed to-date plus an additional \$1,720,000 required to develop the park as a community park) and this amount be financed from the existing debenture authorization; and,

(b) That the City Solicitor be authorized to revise the O.M.B. Order No. E920490 dated 1992 June 26 as revised on 1994 July 7 and City By-law No. 92-216 as revised by 94-123 accordingly and cancel the balance of the debenture authorization in the amount of \$5,189,218 (i.e. \$7,304,743 less \$2,115,525 as authorized above).
11. That the Commissioner of Public Works and Traffic be authorized to purchase an all terrain vehicle (4-wheeled motorcycle) in the amount of \$5,842.95 plus taxes for the purpose of monitoring City-owned trail and open space, and the funds be taken from the following accounts: CF5255 639553027 (\$2,500) and CH56398 62107 (\$3,342.95) plus taxes.
12. (a) That the Commissioner of Public Works and Traffic be authorized to construct a permanent building to house the utility components of the spraypad facility and accommodate a community meeting room at Gourley Park; and,

(b) That the Commissioner of Public Works and Traffic be authorized to enter into negotiations for an agreement with the Gourley Park Community Association to cost share in a 50/50 basis up to \$100,000 for the construction of the utility/community building; and,

(c) That the Commissioner of Public Works and Traffic be authorized to prepare a facility use agreement and any other agreements required with the Gourley Park Community Association for the consideration and approval of the Parks and Recreation Committee; and,

(d) That, subject to the approval of the agreements by the Parks and Recreation Committee, the Mayor and City Clerk be authorized and directed to execute the necessary agreements.

13. (a) That the Tariff of Charges for City-owned cemeteries as set out in Appendix "E", attached hereto, be approved upon receipt of approval from the Ministry of Consumer and Commercial Relations, Cemeteries Branch and implemented on 1997 January 1; and,

(b) That the City Solicitor be authorized and directed to prepare a By-law to amend the Cemetery By-law so as to provide for the increase in the Tariff of Charges; and,

(c) That the Manager of Cemeteries be authorized and directed to make application to the Ministry of Consumer and Commercial Relations, Cemeteries Branch for approval of these rates.
14. (a) That the City Treasurer be authorized and directed to carry over to 1997 surplus funds generated from the Celebration '96 OPA Annual General Meeting hosted by the Parks Division in the amount of approximately \$8,640 and to credit this amount to the 1997 Operating Budget Centre 62001 56005 - Computer Software; and,

(b) That the Commissioner of Public Works and Traffic authorized to access the Celebration '96 surplus funding for the purpose of undertaking design and implementation of a Home Page specific to the City's Parks system, and to link this web site on the City's Corporate Home Page, at a cost not to exceed \$8,640.
15. (a) That the date for Council receiving a report from the Chief Administrative Officer on responses from the private sector regarding investment/development interests within the West Harbourfront Precinct be extended from November 1996 to May 1997; and,

(b) That City Council authorize the Mayor to convey to the Government of Canada, Province of Ontario, and CN, the City's ongoing interest in advancing the opportunity of redevelopment of the West Harbourfront Precinct based upon the relocation of the CN marshalling yard and to request of affected parties that no action be taken that would compromise redevelopment opportunities during the extended time that formal expressions of interest for development are being sought from the private sector.

16. (a) That the City adopt as a long term use for its property between Bayfront and Pier 4 Parks, a Plan titled "Development Concept # 2" attached hereto as Appendix "F" which provides for a pedestrian path along the shoreline; and,
- (b) That pedestrian access be implemented as the short term (immediate) priority of the City as follows:
 - (i) That notice be given to the monthly tenant, Scott-MacDonald Limited, of termination effective 1997 April 30 of the current lease as follows:
 - (1) that the City Clerk be authorized to execute a Notice of Termination of Lease in a form satisfactory to the City Solicitor; and,
 - (2) that this Notice to Terminate, so as not to unreasonably interfere with the Tenant's seasonal business, provide that the monthly lease be terminated and vacant possession be turned over to the City by 1997 April 30; and,
 - (ii) That Scott-MacDonald Limited be given the first option to enter a long term agreement with the City for future lease of this area on conditions:
 - (1) long term based on capital improvements; and,
 - (2) recognizing the public access by pedestrian walkway as required by Council; and,
 - (3) upon release of any claim arising from the 1984 Lax Property expropriation; and,
 - (4) rental at fair market rental; and,
- (c) That staff be directed to report back by 1997 February 28 on the negotiations and if a lease has been negotiated, to submit the lease terms to Council for approval; and,

- (d) That in the event a long term lease is not approved by Council on or before 1997 February 28, that staff be authorized to prepare and submit terms of a proposal call for proponents to lease and develop the property.

Respectfully Submitted,

**ALDERMAN F. EISENBERGER, CHAIRMAN
PARKS AND RECREATION COMMITTEE**

Kevin C. Christenson, Secretary

1996 November 19

**Appendix "A" as referred to in
Section 1 of the Fifteenth Report
of the Parks and Recreation
Committee for 1996**

Two dimensional objects to be deaccessioned from the Hamilton Military Museum collection:

1977.429.64	Lithograph of the poem "In Flanders Fields"
1979.696.1	Poster: cut away view interior of Fokker Dr. Triplane (modern copy)
1979.748.1	3 blueprints: Niagara River 1819 (modern copies)
1979.785.1	Poster: U.S. "Uncle Sam Wants You" (reproduction)
1979.848.1	12 coloured prints of World War I aircraft (most are irrelevant subjects and prints of poor quality)
1983.184.1-6	6 colour prints of British soldiers in full dress (irrelevant subjects)

**Appendix "B" as referred to in
Section 7 of the Fifteenth Report
of the Parks and Recreation Committee
for 1996**

CANADA GAMES LIST

EXECUTIVE COMMITTEE

Ron Foxcroft
Fluke Transportation
20 Warrington Street
Hamilton, ON L8E 3V1

Colin Millar
6 Balfour
Hamilton, ON L9C 7B1

Ms. Vincenza Travale
59 Nancy Street
Hamilton, ON L8T 3M1

Dr. Mary Keyes, Assistant Provost (Student Affairs)
McMaster University
20-1280 Main Street West
Gilmour Hall, Room 207
Hamilton, ON L8S 4K1

Cecilia Carter Smith
c/o Hillfield Strathallan College
299 Fennell Avenue West
Hamilton, ON L9C 1G3

Gene Sutton
228 Highway 52 South
Ancaster, ON

Ryan Paquette
Paquette & Associates
886 King Street East
Hamilton, ON L8M 1B6

1996 November 26

CANADA GAMES LIST

EXECUTIVE COMMITTEE

Robert M. Bosshard
Coopers & Lybrand
Chartered Accountants
21 King Street West, 2nd Floor
Hamilton, ON L8P 4W7

Edward C. Hannah
Davies, Ward & Beck
Barristers and Solicitors
P.O. Box 63
1 First Canadian Place, Suite 4400
Toronto, ON M5X 1B1

Paul S. Dixon
Leggat, Baldwin, Keesmaat & Dixon
Barristers and Solicitors
P.O. Box 916, LCD 1
20 Hughson Street South
Hamilton, ON L8N 3P6

Brantford Representatives - T.B.A.

**Appendix "C" as referred to in
Section 7 of the Fifteenth Report
of the Parks and Recreation Committee
for 1996**

STAFF RESOURCE CONTACT LIST

City of Hamilton

Ross L. Fair, B.A.S.
Director
Department of Culture and Recreation
71 Main Street West, 4th Floor
Hamilton, L8N 3T4

Dave Cowan, Manager of Outdoor Sports Facilities
Department of Culture and Recreation
71 Main Street West, 4th Floor
Hamilton, L8N 3T4

Bob Chrystian, Manager of Parks
Public Works and Traffic Department
71 Main Street West, 4th Floor
Hamilton, L8N 3T4

Werner Plessl, Co-ordinator, Park Development & Maintenance
Public Works & Traffic Department
71 Main Street West
4th Floor
Hamilton, L8N 3T4

Greg Maychak
Sports Association Liaison
Chedoke Twin Pad Arena
c/o Department of Culture and Recreation
71 Main Street West
4th Floor
Hamilton, L8N 3T4

STAFF RESOURCE CONTACT LIST

City of Hamilton

Shelley Merlo-Orzel, Events/Promotion Officer
Department of Culture and Recreation
71 Main Street West
4th Floor, Hamilton, L8N 3T4

Vincent Guglielmo, Hospitality Sales Executive
Hamilton Entertainment & Convention Facilities Inc.
101 York Blvd.
Hamilton, L8R 3L4

Region

Joe Fardell, Manager
Tourism & Convention Services
Economic Development
1 James Street South, 3rd Floor
Hamilton, L8P 4R5

Ward Dilse
Convention Officer
Tourism & Convention Services
Economic Development
1 James Street South
3rd Floor
Hamilton, L8P 4R5

McMaster University

Thérèse Quigley
McMaster University
1280 Main Street West
Hamilton, L8S 4K1

Cathie Millar, Director
Housing Services
McMaster University
1280 Main Street West
Commons Building, Room 101
Hamilton, L8S 4K1

STAFF RESOURCE CONTACT LIST

McMaster University

Les Millar
Manager of Operations
Department of Athletics & Recreation
McMaster University
1280 Main Street West
Hamilton, L8S 4K1

Brantford

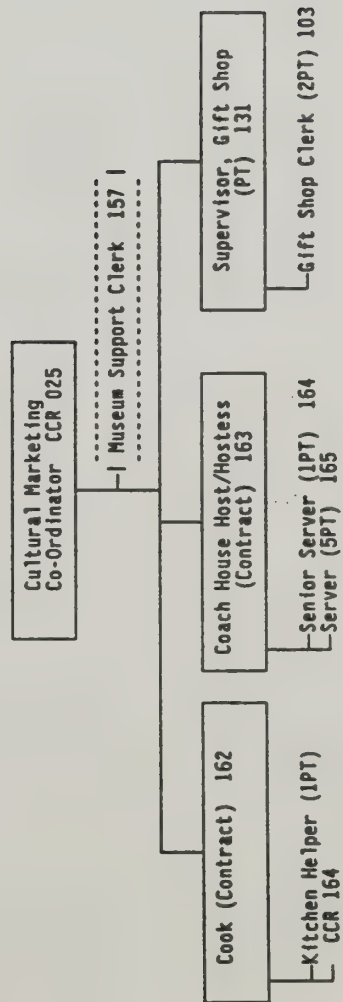
Hans Loewig
Administrator
Parks and Recreation Department
Corporation of the City of Brantford
One Sherwood Drive
Brantford, Ontario
N3T 1N3

Eric Finklestein
Director
Parks and Recreation Department
Corporation of the City of Brantford
One Sherwood Drive
Brantford, Ontario
N3T 1N3

William Page
Special Services Co-ordinator
Parks and Recreation Department
Corporation of the City of Brantford
One Sherwood Drive
Brantford, Ontario
N3T 1N3

Appendix "D" as referred to in
Section 9 of the Fifteenth Report
of the Parks and Recreation
Committee for 1996

DEPARTMENT OF CULTURE & RECREATION
(PROPOSED)



SCHEDULE OF USER FEES AND OTHER REVENUES

PUBLIC WORKS - CEMETERIES DIVISION

1996 November 26

1997

1996

	Resident & Realty Taxpayers			Non-Residents			Resident & Realty Taxpayers			Non-Residents			% Increase Over 1996
	Cost	G.S.T.	Total	Cost	G.S.T.	Total	Cost	G.S.T.	Total	Cost	G.S.T.	Total	
BURIALS AND REMOVALS													
<i>Opening and Closing</i>													
- 6 ft. Adult	495.00	34.65	529.65	594.00	41.58	635.58	520.00	36.40	556.40	624.00	43.68	667.68	5%
- 8 ft. Adult	666.00	46.02	712.02	771.00	53.97	824.97	699.00	48.93	747.93	810.00	56.70	866.70	5%
- 6 ft. Child	76.00	5.32	81.32	92.00	6.44	98.44	76.00	5.32	81.32	92.00	6.44	98.44	0%
- case up to 24"	161.00	11.27	172.27	193.00	13.51	206.51	161.00	11.27	172.27	193.00	13.51	206.51	0%
- case 25" to 42"	235.00	16.45	251.45	282.00	19.74	301.74	235.00	16.45	251.45	282.00	19.74	301.74	0%
- case 43" to 60"	306.00	21.42	327.42	366.00	25.62	391.62	306.00	21.42	327.42	366.00	25.62	391.62	0%
- case 61" to 72"	273.00	19.11	292.11	328.00	22.96	350.96	273.00	19.11	292.11	328.00	22.96	350.96	0%
- case up to 60"	327.00	22.89	349.89	392.00	27.44	419.44	327.00	22.89	349.89	392.00	27.44	419.44	0%
- case 61" to 72"	161.00	11.27	172.27	193.00	13.51	206.51	169.00	11.83	180.83	203.00	14.21	217.21	5%
- Cremation	59.00	4.13	63.13	70.00	4.90	74.90	62.00	4.34	66.34	74.00	5.18	79.18	5%
- Cremorial	110.00	7.70	117.70	126.00	8.82	134.82	116.00	8.12	124.12	132.00	9.24	141.24	5%
- Columbarium	407.00	28.49	435.49	488.00	34.16	522.16	427.00	29.89	456.89	512.00	35.84	547.84	5%
- Mansion of Memories (Stoney Creek)													
<i>Lowering (includes Opening, Removal, Lowering, Closing)</i>													
- Adult - 6 ft. to 8 ft. - shell	1,911.00	133.77	2,044.77				2,007.00	140.49	2,147.49				5%
- Adult - 8 ft. to 8 ft. - concrete vault/crypt	1,591.00	111.37	1,702.37				1,671.00	116.97	1,787.97				5%
- Child - 8 ft. to 8 ft. - 5 to 10 years	678.00	47.46	725.46				712.00	49.84	761.84				5%
- Child - 6 ft. to 8 ft. - under 5 years	569.00	39.83	608.83				597.00	41.79	638.79				5%
<i>Removals</i>													
- Adult - Shell	1,739.00	121.73	1,860.73				1,826.00	127.82	1,953.82				5%
- Adult - Concrete vault or crypt	1,420.00	99.40	1,519.40				1,491.00	104.37	1,595.37				5%
- Child - Shell	601.00	42.07	643.07				631.00	44.17	675.17				5%
- Child - Concrete vault or crypt	491.00	34.37	525.37				516.00	36.12	552.12				5%
- Cremation	161.00	11.27	172.27				169.00	11.83	180.83				5%

Appendix "E" as referred to in
Section 13 of the Fifteenth Report
of the Parks and Recreation
Committee for 1996

PUBLIC WORKS - CEMETERIES DIVISION

1996 November 26

1997

1996

	Resident & Realty Taxpayers			Non-Residents			Resident & Realty Taxpayers			Non-Residents			% Increase Over 1996
	Cost	G.S.T.	Total	Cost	G.S.T.	Total	Cost	G.S.T.	Total	Cost	G.S.T.	Total	
FOUNDATIONS AND MARKERS													
- Foundation - pouring per square inch of surface area (6 feet deep)	1.01	0.07	1.08	1.23	0.09	1.32	1.06	0.07	1.13	1.29	0.09	1.38	5%
FOUNDATIONS AND MARKERS													
- 12" X 10" & Child's 18" X 14"													
- all other Flat Markers	79.00	5.53	84.53	95.00	6.65	101.65	83.00	5.81	88.81	100.00	7.00	107.00	5%
- Bronze Vase	120.00	8.40	128.40	144.00	10.08	154.08	126.00	8.82	134.82	151.00	10.57	161.57	5%
- D.V.A. Upright	120.00	8.40	128.40	144.00	10.08	154.08	126.00	8.82	134.82	151.00	10.57	161.57	5%
- D.V.A. Flat	101.00	7.07	108.07	101.00	7.07	108.07	106.00	7.42	113.42	106.00	7.42	113.42	5%
- D.V.A. Flat	101.00	7.07	108.07	101.00	7.07	108.07	106.00	7.42	113.42	106.00	7.42	113.42	5%
SALE OF LOTS AND GRAVES INCLUDING PERPETUAL CARE													
- Adult Single Grave	487.00	34.09	521.09	602.00	42.14	644.14	511.00	35.77	546.77	632.00	44.24	676.24	5%
- Preferred Single Grave	815.00	57.05	872.05	1,007.00	70.49	1,077.49	856.00	59.92	915.92	1,057.00	73.99	1,130.99	5%
- Child - single in a row - case up to 24"	54.00	3.78	57.78	64.00	4.48	68.48	54.00	3.78	57.78	64.00	4.48	68.48	0%
- Child Single Grave - case 24" to 80"	117.00	8.19	125.19	152.00	10.64	162.64	117.00	8.19	125.19	152.00	10.64	162.64	0%
- case 61" to 72"	172.00	12.04	184.04	207.00	14.49	221.49	172.00	12.04	184.04	207.00	14.49	221.49	0%
Urn Garden	284.00	19.88	303.88	330.00	23.10	353.10	340.00	23.80	363.80	408.00	28.56	436.56	20%
- Veteran's Grave	463.00	32.41	495.41				488.00	34.02	520.02				5%
- Two-Grave Lot	1,958.00	137.06	2,095.06	2,331.00	163.17	2,494.17	2,154.00	150.78	2,304.78	2,448.00	171.36	2,619.36	10%
- Two-Grave Lot - Eastlawn	1,525.00	106.75	1,631.75	1,906.00	133.42	2,039.42	1,801.00	112.07	1,913.07	2,001.00	140.07	2,141.07	5%
- Three-Grave Lot - Woodland	2,791.00	195.37	2,986.37	3,491.00	244.37	3,735.37	2,931.00	205.17	3,136.17	3,668.00	256.82	3,922.62	5%
- Four-Grave Lot - Woodland Section 15	6,759.00	473.13	7,232.13	8,444.00	591.08	9,035.08	7,097.00	496.79	7,593.79	8,866.00	620.82	9,486.62	5%
- Eastlawn / Woodland	3,658.00	256.06	3,914.06	4,653.00	325.71	4,978.71	3,841.00	268.87	4,109.87	4,886.00	342.02	5,228.02	5%
- Four-Grave Lot - Trinity	3,438.00	240.66	3,678.66	4,363.00	305.41	4,668.41	3,610.00	252.70	3,862.70	4,581.00	320.67	4,901.67	5%
- Mansion of Memories - Mausoleum crypt	1,302.00	91.14	1,393.14	1,431.00	100.17	1,531.17	1,387.00	95.89	1,482.89	1,503.00	105.21	1,608.21	5%
- Cremorial	857.00	59.99	916.99	1,028.00	71.96	1,099.96	900.00	63.00	963.00	1,079.00	75.53	1,154.53	5%
- Columbarium - upper level	1,017.00	71.19	1,088.19	1,221.00	85.47	1,306.47	1,118.00	78.26	1,196.26	1,342.00	93.94	1,435.94	10%
- Columbarium - lower level	1,017.00	71.19	1,088.19	1,221.00	85.47	1,306.47	1,017.00	71.19	1,088.19	1,221.00	85.47	1,306.47	0%
- Monument Columbarium	832.00	58.24	890.24	998.00	69.86	1,067.86	915.00	64.05	979.05	1,048.00	73.36	1,121.36	10%
- 40% of Grave and Lot sales goes into Care & Maintenance													
- 20% of Mausoleum Crypt sales goes into Care & Maintenance													
- 15% of Columbarium and Cremorial sales goes into Care & Maintenance													

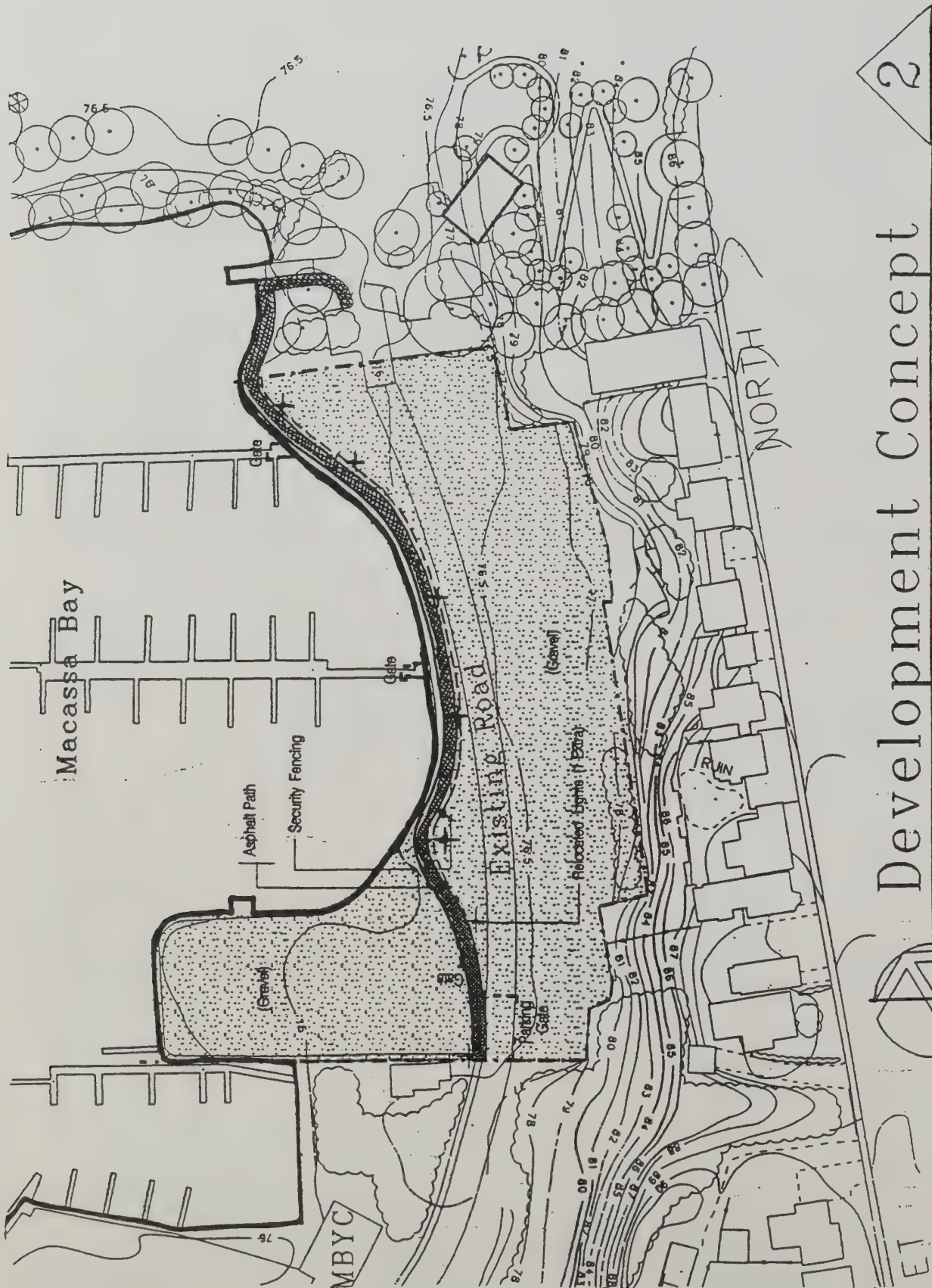
SCHEDULE OF USER FEES AND OTHER REVENUES

PUBLIC WORKS - CEMETERIES DIVISION

	1996			1997			% Increase Over 1996
	Resident & Realty Taxpayers			Non-Residents			
	Cost	G.S.T.	Total	Cost	G.S.T.	Total	
ADDITIONAL SERVICES							
- Youth	308.00	21.56	329.56	308.00	21.56	329.56	0%
- Social Services	300.00	21.00	321.00	300.00	21.00	321.00	0%
- Intermediate	330.00	23.10	353.10	330.00	23.10	353.10	0%
- Oversize	350.00	24.50	374.50	350.00	24.50	374.50	0%
- Miscellaneous:							
- Tent in Cemetery	148.00	10.36	158.36	155.00	10.85	165.85	5%
- Rental of tent outside cemetery	202.00	14.14	216.14	212.00	14.84	226.84	5%
- Transfer fee \$40 + G.S.T.	43.00	3.01	46.01	45.00	3.15	48.15	5%
- Bronze Memorial Plaque for Columbarium Niche	301.00	21.07	322.07	316.00	22.12	338.12	5%
- Companion Vase on Columbarium Niche	59.00	4.13	63.13	62.00	4.34	66.34	5%
- Bronze Memorial Plaque for Cremorial	134.00	9.38	143.38	141.00	9.87	150.87	5%
- Supply, install and maintain flower bed to maximum three graves - per grave	107.00	7.49	114.49	112.00	7.84	119.84	5%
Memorial Tree Planting, 12X10 stone, 6X8 Bronze Plaque 3 Lines	375.00	26.25	401.25	394.00	27.58	421.58	5%
- Memorial Bench - 8X5 Bronze plaque - 3 lines	536.00	37.52	573.52	563.00	39.41	602.41	5%
- Flower Pot Hanger	16.00	1.12	17.12	17.00	1.19	18.19	5%
- Temporary Marker				43.00	3.01	46.01	
Note: Special Lettering which carries an extra charge will be added to plaque charge							
NOTE : PERSONAL COLUMBARIUM AND MAUSOLEUM ARE AVAILABLE ON INDIVIDUAL BASIS							
Family research \$2.00 per name							
CARE AND MAINTENANCE FUND							
- markers and upright monuments:				N/C			
- any flat marker under 173 sq. in.	N/C			N/C			0%
- any flat marker over 173 sq. in.	50.00	3.50	53.50	50.00	3.50	53.50	0%
- any upright monument <= 4 ft. in length/height	100.00	7.00	107.00	100.00	7.00	107.00	0%
- any upright monument over > 4 ft. in length/height	200.00	14.00	214.00	200.00	14.00	214.00	0%
Provincial Regulation - these funds are set and trusted							

1997 CEMETERY PRICE COMPARISON

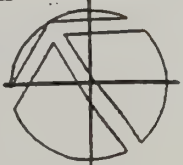
	MEMORIAL GARDENS	OAKVILLE CEMETERIES	GREENWOOD CEMETERY	HAMILTON MUNICIPAL CEMETERIES
TWO GRAVE MONUMENT SECTION	N/A	\$1,940.00 to \$2,494.00	\$2,870.92	\$2,154.00
SINGLE GRAVE FLAT MARKER SECTION	\$1,900.00 to \$3,000.00	\$900.00	\$1,029.46 to \$1,153.22	\$839.00
TWO GRAVE FLAT MARKER SECTION	\$3,800.00 to \$6,000.00	\$1,800.00 to \$1,970.00	\$2,059.46 to \$2,306.44	\$1,601.00 to \$2,154.00
URN GRAVES	\$595.00	\$409.00	\$447.62 to \$502.74	\$340.00
NICHES	\$1,600.00	\$700.00 to \$1,300.00	\$1,196.00 to \$1,556.00	\$1,017.00 to \$1,068.00
GRAVE OPENINGS 6 FT.	\$500.00	\$500.00 with container \$954.00 without container	\$531.17	\$510.00
8 FT.	\$672.00	\$600.00 with container \$1,054.00 without container	\$662.45	\$686.00
URN OPENINGS	\$171.20	\$160.00	\$177.43	\$166.00
NICHE OPENING	\$171.20	\$160.00	Included in niche sale	113.00
MARKER INSTALLATION	\$0.28 per sq. inch	70.00 to \$145.00	\$91.17 to \$111.83	\$81.00 to \$124.00



2

Development Concept

Scale : 1 : 1000



REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Planning and Development Committee presents its **NINETEENTH** Report for 1996 and respectfully recommends:

1. A. (a) That approval be given to Subdivision Application 96-02 (Regional File No. 25T-96006), **1099689 Ontario Inc. (Micor Developments)**, owner, to establish a draft plan of subdivision "Bayview Glen Estates - Phase II", for lands located south of Kordun Street and west of Upper Paradise Road, comprising of 73 lots for single detached dwellings, a block for parkland, and to establish 5 local streets, subject to the following conditions:
 - (i) That this approval apply to the plan, as revised in red, prepared by Wellington Consultants and certified by S.D. McLaren, O.L.S., dated August 30, 1996, showing 73 lots for single detached dwellings, and to establish 5 local streets (see attached APPENDIX "A");
 - (ii) That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth;
 - (iii) That the Owner prepare and submit, to the satisfaction of the Director of Planning and Development, a municipal street numbering plan;
 - (iv) That the owner shall erect a sign in accordance with Section XI of the subsequent agreement, prior to the issuance of a final release by the City of Hamilton;
 - (v) That the final plan conform with the Zoning By-law approved under the Planning Act;
 - (vi) That the Owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block and the gross area of the subdivision in the final plan;

- (vii) That the lot lines for Lots 53, 54, and 55 be modified, to the satisfaction of the Manager of Traffic Planning to avoid the potential overlapping of driveways within the road allowance;
- (viii) That the Owner dedicate Block "A" to the City of Hamilton for park purposes;
- (ix) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority;
- (x) That the Owner provide fencing along the westerly limits of Lots 36 - 39 inclusive and Lots 50 to 53 inclusive adjacent to the Tiffany Creek Environmentally Sensitive Area and along the southerly limits of Lots 53 - 58 inclusive adjacent to Block "A", that being the future neighbourhood park;
- (xi) That the owner convey all lands required by the Regional Environment Department for drainage and stormwater management purposes to the City of Hamilton by deed.
- (xii) That the owner show 0.30m reserves at the east limit of Street "B" and the south limit of Street "D" as separate Blocks on the Final Plan, to be conveyed to the City by deed.
- (xiii) That Street "A" must align centreline to centreline with Juliebeth Drive, as established by Plan 62M-517
- (xiv) That Lots 63 to 73 inclusive not be developed until the adjacent lands to the south are registered or alternatively, the owner acquire the necessary lands to establish and construct the adjacent road to its full width.
- (xv) That the curvilinear road pattern as provided in the Approved Falkirk West Neighbourhood Plan be established to the satisfaction of the Regional Roads Department and the City of Hamilton Public Works and Traffic Department.
- (xvi) That 9m radius transitions into and out of the 15m radius cul-de-sacs be established on the Final Plan of Subdivision.
- (xvii) That the road allowance of Street "B" be shown as 20.0m on the Final Plan of Subdivision.

- (xviii) That the stormwater management facility be established prior to development of any portion of these lands, known as "Bayview Glen Estates - Phase 2"
- (xix) That the owner submit a report to the satisfaction of the Regional Environment Department outlining the size, location, timing and cost of the proposed stormwater management facility, prior to development of any of these lands.
- (xx) That the owner acquire the necessary lands and construct the stormwater management facility, or enter into an agreement with the benefitting owner of the adjacent lands to the south ("Paradise Green"), addressing a cost-sharing arrangement and outlining details with respect to timing and construction, prior to registration of the Final Plan for "Bayview Glen Estates - Phase 2".
- (xxi) That the owner submit a sediment and erosion control plan to the satisfaction of the Regional Environment Department and that sediment and erosion control methods be maintained during the development of the subject lands. The said plan must comply with the following requirements:
 - (1) That all erosion and sediment control measures be installed prior to development, and maintained throughout the construction process, until all disturbed areas have been revegetated;
 - (2) That the owner provide a summary inspection report every 14 days, prepared by a qualified professional engineer, outlining the status of all erosion and sediment control measures after each rainfall, including remedial measures taken, to the satisfaction of the Regional Environment Department;
 - (3) That any disturbed area not scheduled for further construction within 45 days be provided with a suitable temporary mulch and seed cover within 7 days of the completion of that particular phase of construction; and,
 - (4) That all disturbed areas be revegetated with permanent cover immediately following completion of construction.

(xxii) That the proposed stormwater management facility be maintained by the owner up to and including one (1) year after the final building has been constructed, prior to being owned outright by the City.

(xxiii) That the owner be required to enter into a subdivision agreement with the City of Hamilton prior to the development of any portion of these lands to satisfy all requirements, financial or otherwise of the City of Hamilton.

(xxiv) That a construction access road be established and constructed to Upper Paradise Road through lands to the east and/or south of this plan of subdivision prior to the development of these lands, to the satisfaction of the Commissioner of Environment.

REPLACED.

(b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (25T-96006), 1099689 Ontario Inc. (Micor Developments), owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council;

(c) That the City Clerk be directed to advise the Regional Commissioner of Environment of Council's decision.

B. That approval be given to amended Zoning Application ZAC-96-13, 1099689 Ontario Inc. (Micor Developments), owner, for a change in zoning from "AA" (Agricultural) District to "C"-'H' (Urban Protected Residential, etc. - Holding) District for lands located south of Kordun Street and west of Upper Paradise Road, as shown on the attached map marked as APPENDIX "B", on the following basis:

(a) That the subject lands be rezoned from "AA" (Agricultural) District to "C"-'H' (Urban Protected Residential, etc. - Holding) District;

- (b) That the amending By-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O. 1990, to the subject lands, by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision will prohibit the development of the subject lands until such time as the availability of all such municipal services servicing the subject lands as the City deems necessary to service the proposed development.

City Council may remove the 'H' symbol, and thereby give effect to the "C" District, provisions as stipulated in the By-law by enactment of an amending By-law once the condition is fulfilled;

- (c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S - 1372, and that the subject lands on Zoning District Map W-9B be notated S - 1372;
- (d) That the Director of the Planning and Development Department be directed to prepare a By-law in a form satisfactory to the City Solicitor to amend Zoning By-law No. 6593 and Zoning District Maps E-38C and E-38D for presentation to City Council; and,
- (e) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

- 2. That approval be given to amended City Initiative 96-I respecting the elimination of the parking requirement for residential uses for the area bounded by Cannon Street, Queen Street, Hunter Street, Walnut Street, Jackson Street, Ferguson Avenue, Main Street, Wellington Street, Rebecca Street and Mary Street, as shown on the attached map marked as APPENDIX "C", for a period not to exceed three years, on the following basis:

- (a) That the regulations as contained in Section 18A - PARKING AND LOADING REQUIREMENTS of Zoning by-law No. 6593, be modified to eliminate the parking requirement for residential uses, for the area bounded by Cannon Street, Queen Street, Hunter Street, Walnut Street, Jackson Street, Ferguson Avenue, Main Street, Wellington Street, Rebecca Street and Mary Street for a three year period, as follows:
 - (i) that Zoning By-law No. 6593 be amended by including a new Schedule "K" - Downtown Residential Parking Area;

- (ii) that Zoning By-law No. 6593 be amended by adding a new Section 18A.(42) as follows:

"Except for residential care facilities and short term care facilities, where residential uses mentioned in paragraph 1 of Table 1 and Table 3 are located in the area shown on Schedule "K", no parking and loading will be required for the period between November 1, 1996 and September 1, 1999."

- (b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 for presentation to City Council; and,
 - (c) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
3. (a) That the property on the corner of Ray Street and Jackson Street West owned by the Players' Guild of Hamilton Inc. be recognized as a sesquicentennial gift to the Hamilton community;
- (b) That the City endorse the donation of the property to Hamilton Habitat for Humanity and support development of the site for a single family dwelling.
4. (a) That the 1997 operating budget for the International Village B.I.A. (attached as APPENDIX "D") be approved in the amount of fifty-three thousand, five hundred dollars (\$53,500.); and,
- (b) That the City Treasurer be hereby authorized and directed to prepare the requisite by-law pursuant to Section 220, The Municipal Act, R.S.O. 1990, to levy the 1997 budget as reference in (a) above; and,
- (c) That the following schedule of payments for 1997 be approved:

January 01	\$26,750.
September 01	\$26,750.

NOTE: 1996 levy arrears will be deducted from the payments for 1997.

5. (a) That the 1997 operating budget for the Downtown Hamilton B.I.A. (attached as APPENDIX "E") be approved in the amount of eighty-four thousand dollars (\$84,000.); and,

(b) That the City Treasurer be hereby authorized and directed to prepare the requisite by-law pursuant to Section 220, The Municipal Act, R.S.O. 1990, to levy the 1997 budget as referenced in (a) above; and,

(c) That the following schedule of payments for 1997 be approved:

January 01	\$21,000.
March 01	\$21,000.
June 01	\$21,000.
September 01	\$21,000.

NOTE: 1996 levy arrears will be deducted from the payments for 1997.

6. (a) That the 1997 operating budget for the Barton General B.I.A. (attached as APPENDIX "F") be approved in the amount of eight thousand, seven hundred and sixty dollars (\$8,760.); and,

(b) That the City Treasurer be hereby authorized and directed to prepare the requisite by-law pursuant to Section 220, The Municipal Act, R.S.O. 1990, to levy the 1997 budget as reference in (a) above; and,

(c) That the following schedule of payments for 1997 be approved:

January 01	\$2,190.
March 01	\$2,190.
June 01	\$2,190.
September 01	\$2,190.

NOTE: 1996 levy arrears will be deducted from the payments for 1997.

7. (a) That the 1997 operating budget of the Main Street West Esplanade B.I.A. (attached as APPENDIX "G") be approved in the amount of \$10,000; and,

(b) That the City Treasurer be hereby authorized and directed to prepare the requisite By-law pursuant to Section 220, the Municipal Act, R.S.O. 1990, to levy the 1997 budget as referenced in (a) above; and,

- (c) That the following Schedule of Payments for 1997 be approved:

January 01	\$2,500.
March 01	\$2,500.
June 01	\$2,500.
September 01	\$2,500.

NOTE: 1996 levy arrears will be deducted from the payments for 1997

8. (a) That the 1997 operating budget of the Westdale Village B.I.A. (attached as APPENDIX "H") be approved in the amount of \$35,000; and,
- (b) That the City Treasurer be hereby authorized and directed to prepare the requisite By-law pursuant to Section 220, the Municipal Act, R.S.O. 1990, to levy the 1997 budget as referenced in (a) above; and,
- (c) That the following Schedule of Payments for 1997 be approved:

January 01	\$11,000.
March 01	\$ 8,000.
June 01	\$ 8,000.
September 01	\$ 8,000.

NOTE: 1996 Levy arrears will be deducted from the payments for 1997

9. (a) That the 1997 operating budget of the Ottawa Street B.I.A. (attached as APPENDIX "I") be approved in the amount of \$50,000.; and,
- (b) That the City Treasurer be hereby authorized and directed to prepare the requisite By-law pursuant to Section 220, the Municipal Act, R.S.O. 1990, to levy the 1997 budget as referenced in (a) above; and,
- (c) That the following Schedule of Payments for 1997 be approved:

January 15	\$12,500.
March 15	\$12,500.
June 15	\$12,500.
September 15	\$12,500.

NOTE: 1996 Levy arrears will be deducted from the payments for 1997.

10. (a) That Schedule "B" By-law No. 95-046, appointing the Downtown Hamilton B.I.A. Board of Management be repealed and the following names substituted:

SCHEDULE "B"

J. Livingston	Livingston Furs
R. Harris	Harris and Henderson
C. Jamieson	The Right House
A. Peckham	The Royal Bank
H. Woods	Canadian Imperial Bank of Commerce
K. Findlay	KD Findlay
G. Attard	The Ramada Hotel,
D. Broucker	Royal Connaught Howard Johnson Hotel
P. Pappas	Joe Buddinski's
R. Titian	Reggie's Music and Sound
R. Letourneau	Just Imagine Printing

- (b) That the City Solicitor be authorized and directed to amend Schedule "B" of By-law No. 95-046.

11. (a) That Schedule "B" of By-law No. 95-044, appointing the Barton General B.I.A. Board of Management be repealed and the following names substituted:

SCHEDULE "B"

K. Cody	Codys Home Decor Inc.
M. Tollis	The Riviera Banquet Centre
J. Hilger	Ways to Wisdom
K. Jokic	Bank of Montreal

- (b) That the City Solicitor be authorized and directed to amend Schedule "B" of By-law No. 95-044 pursuant to (a) above.

12. (a) That Schedule "B" of By-law No. 95-041, appointing the International Village B.I.A. Board of Management be repealed and the following names substituted:

SCHEDULE "B"

Wolfgang Schoen	The Black Forest Inn
Gord Thompson	Thompson Jewellery and Pawn
John Kenyon	Payne Music
Paul Kircos	Alexanian Carpets

- (b) That the City Solicitor be authorized and directed to amend Schedule "B" of By-law No. 95-041 pursuant to (a) above.
13. (a) That Schedule "B" of By-law No. 95-043, appointing the Main Street West Esplanade B.I.A. Board of Management, be repealed and the following names substituted:

SCHEDULE "B"

Karen Mullholland	Taco Bell
Izabela Kobylanski	Izzy's Restaurants
M. Farrugia	Calla Decor and Design
A. Perniac	Lorne Haverty Ltd
J. Castellano	Castellano Real Estate
J. Morrison	Royal Bank
M. Barnard	Barnard & Speziale Design Associates Inc.

- (b) That the City Solicitor be authorized and directed to amend Schedule "B" of By-law No. 95-043, and replace it pursuant to (a) above.
14. That a Hamilton Emergency Loan (H.E.L.P.) in the amount of two thousand dollars (\$2,000) be approved for Joseph Kennedy, 869 Queensdale Avenue East, Hamilton. The interest rate will be 8 per cent amortized over 5 years.
15. That the Building Commissioner be authorized to issue a demolition permit for 1508 Upper James Street in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.
16. That the Building Commissioner be authorized to issue a demolition permit for 1514 Upper James Street in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.
17. That the total outstanding Hamilton Emergency Loan Program for Frank Zavarella, 118 Balmoral Avenue South, Hamilton, in the amount of one thousand, six hundred and ninety-four and sixty cents (\$1,694.60) be placed on the tax rolls.
18. That the total outstanding Hamilton Emergency Loan Program for Lisa Blawatt, 37 Burlington Street East, in the amount of one thousand, three hundred and seventy-eight dollars and seventy-one cents (\$1,378.71) be placed on the tax rolls.

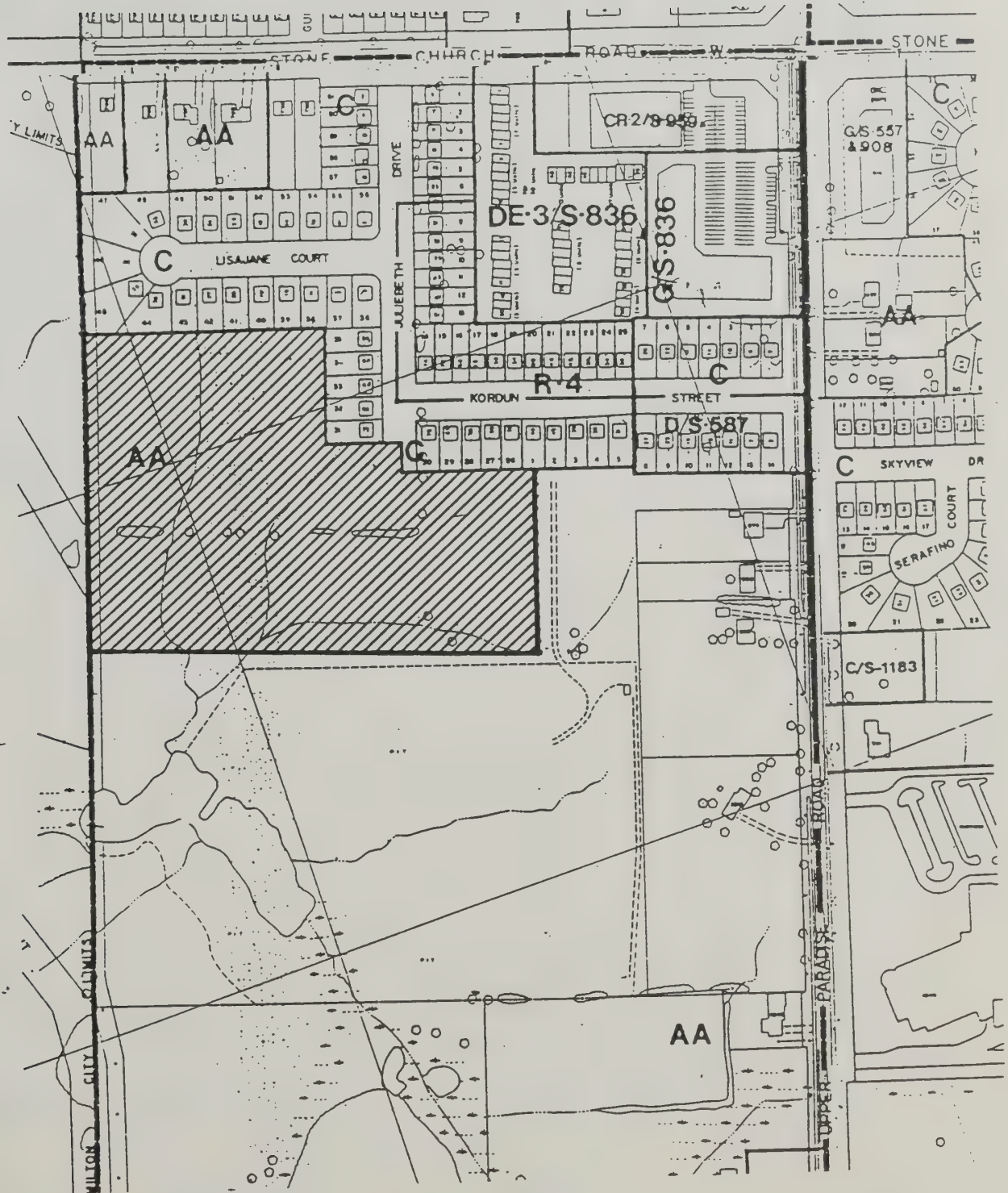
19. That the total outstanding Commercial Property Improvement Loan Program for Daniel R. Logan and Lauchlin D. Cameron, 489 Concession Street, in the amount of five thousand and sixty-nine dollars and sixty-four cents (\$5,069.64) be placed on the tax rolls.
20. That the following Bills be adopted, signed, sealed and enrolled as By-laws:
 - (a) C-67 A By-law to Amend By-law No. 86-144 Respecting Members of the Board of Management of the Concession Street business Improvement Area.
 - (b) C-68 A By-law to Amend By-law No. 86-99 As Amended by By-laws No.92-056 and 95-045 Respecting Members of the Board of Management of the Ottawa Street North Business Improvement Area.

Respectfully submitted,

**ALDERMAN D. DRURY, CHAIRPERSON
PLANNING AND DEVELOPMENT COMMITTEE**

**Tina Agnello, Secretary
1996 November 20**





Legend

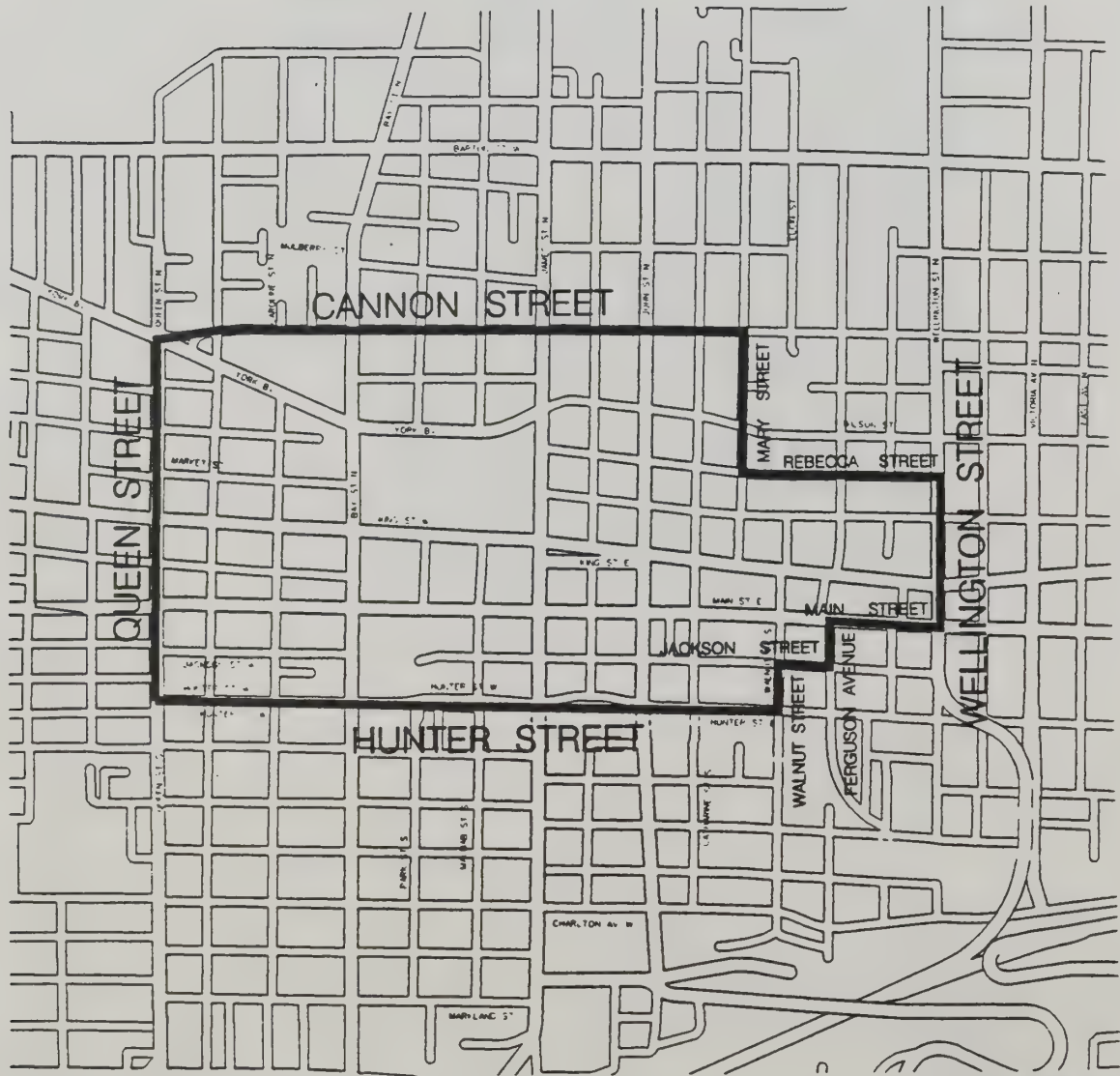


Site of the Application

ZAC-96-13
SAC-96-02

Schedule 'K' to Zoning By-Law No.6593

Residential Parking in the Downtown



AREA A

Proposed "0" Parking Area for Residential Development

Appendix "C" referred to in
Section 2. of the **NINETEENTH**
Report of the Planning and Development
Committee for 1996.

INTERNATIONAL VILLAGE B.I.A.'S 1997 OPERATING BUDGET

OPERATIONS:

Rent	\$2,000.
Utilities	\$1,900.
Telephone	\$1,000.
Office Supplies,	
Office Equipment	\$1,500.
Bank Charges	<u>\$ 400.</u>
	\$6,800.

WAGES:

Executive Director	\$20,000.
	<u>\$ 3,000.</u>
	\$23,000.
Insurance	\$ 1,300.
Audit	\$ 400.
Print/Radio Advertising	\$ 3,500.
Promotion	<u>\$ 4,500.</u>
	\$ 9,700.
Allowance for Uncollected Levies	\$14,000.

T O T A L	<u>\$53,500.</u>
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**DOWNTOWN HAMILTON B.I.A.
1997 BUDGET**

Management Fees	\$25,000.
Promotions/Special Events	\$16,000.
Beautification	\$ 5,000.
Administration	\$20,000.
Reserve	\$18,000.
TOTAL	\$84,000.

**BARTON GENERAL B.I.A.
1997 OPERATING BUDGET**

EXPENSES	AMOUNT
Wages	\$3,400.
Rent	\$2,200.
Phone/photocopier/fax	\$ 250.
Office supplies/postage	\$ 50.
Insurance	\$ 810.
Hall Rental/Dinners	\$ 750.
Contingency Fund	\$ 300.
Advertising	\$1,000.
TOTAL	<u>\$8,760.</u>

MAIN STREET WEST ESPLANADE

CHRISTMAS ORNAMENTS	\$1,800.
BARRIERS	\$ 250.
HYDRO	\$1,300.
MEETINGS	\$ 400.
EXPENSES TO BE INCURRED FOR MAIN ST. WEST FROM LOCKE TO DUNDURN (ABOVE NOTED EXPENSES TO INCREASE AND PURCHASE CHRISTMAS ORNAMENTS, LIGHTING	\$6,250.
TOTAL	----- \$10,000.

WESTDALE VILLAGE B.I.A.

Proposed Budget 1997 **\$35,000**

Uncollectible levies	\$5,000.00
Fixed Expenses	\$15,000.00
Audit fees, Director's insurance, comprehensive insurance, fax & copy charges, Board Meeting meals, beautification, office supplies, office space, staff, phone, miscellaneous.	
Marketing & Advertising	\$15,000.00

	\$35,000.00

THE FOLLOWING INFORMATION WAS ADOPTED BY WESTDALE VILLAGE BIA WITH RESPECT TO THE EXPENDITURE OF THE \$35,000. TO BE APPROVED ACCORDING TO THE FOLLOWING DISCRETIONARY SPENDING POLICY:

0-\$25.99 MAY BE SPENT WITHOUT BOARD OF MANAGEMENT APPROVAL. DETAILED INVOICES/RECEIPTS MUST BE SUBMITTED TO THE TREASURER.

\$26.00-\$999.99 MAY BE SPENT WITH 5 BOARD DIRECTORS SIGNATURES MANDATORY ON THE PURCHASE ORDER BEFORE A CHEQUE IS ISSUED.

\$1000.00-\$4999.99 AT THE WILL OF THE BOARD OF MANAGEMENT, THIS AMOUNT OF MONEY MAY BE SENT ACCORDING TO THE GUIDELINES FOR THE \$26.00-\$999.99 CATEGORY OR THE BOARD OF MANAGEMENT MAY SEND THE REQUEST TO A COMMITTEE REQUESTING A DETAILED PLAN TO BE SUBMITTED AND APPROVED.

\$5,000.00 AND OVER, A DETAILED BUDGET AND PLAN MUST BE PRESENTED TO THE BOARD AT LEAST 6 MONTHS PRIOR TO THE EVENT.

* NOTE: ALL COMMITTEES MUST HAVE AT LEAST ONE BOARD MEMBER WHO IS RESPONSIBLE TO PRESENT THE PROPOSAL AT THE BOARD MEETING.

**OTTAWA STREET B.IA.
PROPOSED BUDGET 1997**

<u>ADVERTISING</u>	
CHRISTMAS & SUMMER FEST	\$15,300.
<u>OFFICE EXPENSES</u>	
ADMINISTRATION	\$ 1,200.
PRINTING	\$ 2,500.
RENT	\$ 1,200.
TELEPHONE	\$ 1,000.
UTILITIES	\$ 800.
OFFICE COORDINATOR	\$15,000.
UNPAID LEVIES (CONTINGENCY FUNDS)	\$13,000.
TOTAL BUDGET FOR 1997	<u>\$50,000.</u>

REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Finance and Administration Committee presents its **NINETEENTH** Report for 1996 and respectfully recommends:

1. That the listing of Appointments to Permanent positions with the Corporation of the City of Hamilton to 1996 November 8, attached herewith and marked Appendix "A", be approved.
2.
 - (a) That City Council consent to the merger of Union Gas Limited and Centra Gas Ontario Inc; and,
 - (b) That the City Solicitor be authorized to prepare a By-law to consent to the merger of Union Gas Limited and Centra Gas Ontario Inc.
3.
 - (a) That the following property be declared surplus to the requirements of the City of Hamilton in accordance with the Realty Sales Procedural By-law 95-049:

1504 Upper Gage (Part 5 on Plan 62R-9436)
 - (b) That the Property Department be authorized to proceed to sell this property in accordance with the Realty Sales Procedural By-law.
4. That Regional Council be requested to continue the cash flow of capital grant funding approved by Regional Council in 1985 and 1990 to the five area hospitals for major construction projects only on the provision that these hospitals continue to be viable and working hospital facilities.
5.
 - (a) That the newly created contract and part-time positions of Cook, Coach House Host/Hostess, Kitchen Helper, Senior Server and Server(s) be approved; and,

- (b) That the City Solicitor be authorized to negotiate two employment contracts for the Cook and Coach House Host/Hostess positions for the consideration of the Finance and Administration Committee.
- 6. That the contract for Market Stand Numbers 1/2 of 42, all of 43 and 1/2 of 44, be cancelled effective 1996 November 30, for non-payment of rent.
- 7. That the following Bills be adopted, signed, sealed and enrolled as By-laws:
 - (a) D-59 A By-law to Amend By-law No. 92-174 respecting: Transfer of Debenture Proceeds.
 - (b) D-60 A By-law to Consent to: The Amalgamation of Union Gas Limited and Centra Gas Ontario Inc.
 - (c) D-61 A By-law to Confirm the Proceedings of the Council of The Corporation of the City of Hamilton.

Respectfully submitted,

**ALDERMAN B. CHARTERS, CHAIRMAN
FINANCE AND ADMINISTRATION COMMITTEE**

**Susan K. Reeder
Secretary
1996 November 19**

Appendix "A" referred
to in Section 1 of the
NINETEENTH Report of
the Finance and
Administration
Committee for 1996.

THE CORPORATION OF THE CITY OF HAMILTON

APPOINTMENTS TO PERMANENT POSITIONS

<u>NAME</u>	<u>STATUS</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON HIRED</u>	<u>SALARY SCHEDULE</u>	<u>EFFECTIVE DATE</u>
Mr. Bradley Carey	I	Greenskeeper II	Historical – Outdrsports	Replacing Mr. F. Okos – resigned, Sept. 12/96	\$36,686.56	Oct. 18/96
Mr. Don Dilks	I	Sports Groundskeeper I	Historical – Outdrsports	Replacing Mr. F. Rolfe – resigned, Oct. 11/95	\$36,052.64	Oct. 07/96

Prepared November 08, 1996

Status –
Internal – I
External – E

REPORT OF THE NOMINATING COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Nominating Committee presents its **SEVENTH** Report for 1996 and respectfully recommends:

1. That the following Members of Council be appointed to the Committee of Adjustment for a term to expire 1997 November 30:

Alderman H. Merling
Alderman B. Charters

2. That the following Members of Council be appointed to the Selection Committee for a term to expire 1997 November 30:

Mayor R. M. Morrow
Alderman C. Collins
Alderman T. Jackson
Alderman H. Merling
Alderman B. Charters

3. That Alderman C. Collins be appointed Chairman of the Committee of the Whole for the period of 1996 December and 1997 January and February.

RESPECTFULLY SUBMITTED

**MAYOR R. M. MORROW
CHAIRMAN,
NOMINATING COMMITTEE**

J.J. Schatz, Secretary
1996 November 26

REPORT OF THE COMMITTEE OF THE WHOLE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Committee of the Whole presents its **EIGHTH** Report for 1996 and respectfully recommends:

1. (a) That the following organizations receive a 1996 Capital Grant for the amount indicated:

<u>Organization</u>	<u>Approved Capital Grant</u>
(i) Armenian Community Centre	\$ 15,000
(ii) Hamilton Filipino Centre	\$ 12,500
(iii) Portuguese Community Centre	\$ 12,500
(iv) St. Nikolas Ukrainian Church	\$ 15,000
(v) Victoria Curling Club	\$ 5,000
(vi) Wentworth Shooting Club	\$ 0
(vii) Youth Flight Canada	\$ 0
(viii) YWCA-Ottawa Street	<u>\$ 50,000</u>
	<u>\$110,000</u>

- (b) That the above noted Capital Grants in the total amount of \$110,000 be financed from the Reserve for Capital Projects Account Centre # CH 00203.

Respectfully submitted,

**MAYOR ROBERT M. MORROW
CHAIRMAN
COMMITTEE OF THE WHOLE**

**J. J. Schatz
Secretary**

1996 November 26

CA40NHBL A05

M 21
1996

1996 December 10

Minutes of Hamilton City Council

Tuesday, 1996 December 10

7:30 o'clock p.m.

Council Chamber, City Hall

The Council met:

Present: Mayor Morrow.

Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson,
Eisenberger, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross.

Mayor Morrow called the meeting to order.

* * * * *

The National Anthem was sung by Centennial Public School choir.

* * * * *

Reverend Doctor John A. Johnston of MacNab Presbyterian Church led Council in prayer.

ADOPTION OF MINUTES

The minutes of the meeting held 1996 November 26 were adopted as circulated.

PRESENTATIONS

Mayor R. Morrow was presented with a tape with a special Sesquicentennial song called "We Stand Together in Hamilton" from Sandra Easterbrook, Music Teacher from Centennial Public School.

* * * * *

Mayor R. Morrow was presented with a picture of the Hamilton Tiger Lacrosse Team Association from General Richard Rohmer to hang in the Copps Coliseum Sports Hall of Fame.

* * * * *

Mayor R. Morrow presented the 1996 Hamilton Arts Award to Robert Mason and Certificates of Recognition to Brenda Connell and Candace Mallot.

* * * * *

Mayor R. Morrow accepted a presentation of four paintings from Jack McNie to be hung in City Hall.

CORRESPONDENCE

1. Letter dated 1996 December 4 from George Langadinos, Secretary/Treasurer, Hamilton Wentworth and District Mobile Signs Association Inc., Hamilton, Ontario respecting Mobile Sign Draft By-law Proposal.

Referred to the Planning and Development Committee.

2. Letter dated 1996 December 2 from Ms. Susan L. Steele, Town Clerk for the Corporation of the Town of Dundas respecting Local Government in Hamilton-Wentworth. This correspondence was distributed to Members of City Council under separate cover on December 5, 1996).

Received.

3. Letter dated 1996 December 3 from W. A. Thomas, General Manager, Hyrdo-Electric Commission of the City of Hamilton respecting a zero average increase in the wholesale cost of power for the year 1997.

Received.

4. Application dated 1996 November 28 from 744457 Ontario Limited, o/a Vetrans Taxi respecting a change in zoning from "D" (Urban Protected Residential - One and Two Family, Dwellings, etc.) District to "H" (Community Shopping and Commercial, etc.) District for 488 King William Street, Hamilton, Ontario.

Received.

5. Letter dated 1996 December 9 from Mr. George Langadinos of Hamilton Wentworth and District Mobile Signs Association Inc. respecting the issue of mobile signs. (This is also referred to in Section 4 of the Twentieth Report of the Planning and Development Committee)

Referred to the Planning and Development Committee.

6. Letter dated 1996 December 7 from Joan McPhail of Ad-Vantage Signs respecting the issue of mobile signs.

Referred to the Planning and Development Committee.

7. Letter dated 1996 November 27 from Mr. Norman Preece of the Hamilton Health Sciences Corporation respecting the City's nine (9) nominees for membership on the Hamilton Health Sciences Corporation.

Referred to the Nominating Committee.

8. Facsimile dated 1996 December 9 from Mr. Barry Bender, 20 Paisley Avenue South, Hamilton respecting Local Government Restructuring.

Received.

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Reports of the Transport and Environment Committee, the Parks and Recreation Committee, the Planning and Development Committee, the Finance and Administration Committee, and the Report of His Worship Mayor R. M. Morrow be considered in Committee of the Whole with Alderman Collins in the chair.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -17

NAYS: -0.

CARRIED.

TRANSPORT AND ENVIRONMENT COMMITTEE - SIXTEENTH REPORT

Section 1 Re: Conflict of Interest

Alderman Caplan declared personal interest in, took no part in the debate and refrained from voting on this matter as his home is adjacent to the property being discussed.

* * * * *

Section 1 Re: Application for closure for an alleyway from Glenfern Ave to Amelia St

Recorded vote.

YEAS: Mayor Morrow, Aldermen Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -15.

NAYS: Alderman Kiss. -1.

CARRIED.

PARKS AND RECREATION COMMITTEE - SIXTEENTH REPORT

PLANNING & DEVELOPMENT COMMITTEE - TWENTIETH REPORT

Section 4 Re: A By-law to Regulate Mobile Signs on Private Property

It was moved by Alderman Drury and seconded by Alderman D'Amico that Item 4 of the Twentieth Report of the Planning and Development Committee for 1996 be referred back to the next meeting of the Planning and Development Committee. **CARRIED.**

* * * * *

Section 11(b) Re: Bill C-70: The introduction of a By-law to Regulate the Size, Use, Location, and Maintenance of Mobile Signs on Private Property within the City of Hamilton.

It was moved by Alderman Copps and seconded by Alderman Morelli that Section 11 of the Twentieth Report of the Planning and Development Committee for 1996 be amended by deleting Item 11(b). **CARRIED.**

FINANCE & ADMINISTRATION COMMITTEE - TWENTIETH REPORT

Section 11 Re: Offer to Purchase Agreement for 8-10 Brantdale Avenue

It was moved by Alderman Ross and seconded by Alderman D'Amico that Section 11 of the Twentieth Report of the Finance and Administration Committee be referred back. **CARRIED.**

REPORT OF HIS WORSHIP MAYOR R. M. MORROW - THIRD REPORT

NOTICE OF MOTION FROM PREVIOUS MEETING

(Motion tabled at November 26, 1996 meeting)

Re: Local Government Restructuring

That Hamilton City Council endorse and approve the final "Memorandum of Negotiations", conducted with Gardner Church and agreed upon by the Negotiating Teams representing the City of Hamilton, the City of Stoney Creek, the Town of Ancaster and the Township of Glanbrook.

* * * * *

It was moved by Alderman Eisenberger and seconded by Alderman Wilson that the motion respecting Local Government Restructuring be amended by deleting the words "and approve" in the first line and substitute in lieu thereof the words "in principle" and be further amended by adding after the word "Glanbrook" in the last line, the words "subject to review of the Provincial legislation", in order that the motion reads as follows:

"That Hamilton City Council endorse in principle, the final "Memorandum of Negotiations", conducted with Gardner Church and agreed upon by the Negotiating Teams representing the City of Hamilton, the City of Stoney Creek, the Town of Ancaster and the Township of Glanbrook, subject to review of the Provincial legislation."

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, Drury, Morelli, Wilson, Eisenberger, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross. - 15.

NAYS: Aldermen McCulloch, Copps. -2.

CARRIED.

* * * * *

It was moved by Alderman Drury and seconded by Alderman Morelli that the motion of Alderman Eisenberger respecting Local Government Restructuring be further amended by adding the following as sub-section (b):

- (b) That the Council of the Corporation of the City of Hamilton request the Province of Ontario to immediately implement representation by population for the new council, prior to restructuring.

Recorded vote.

YEAS: Aldermen Kiss, McCulloch, Drury, Morelli, Copps, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -12.

NAYS: Mayor Morrow, Aldermen Caplan, Agro, Wilson, Eisenberger. -5.

CARRIED.

* * * * *

Recorded vote on challenge to the Chair "Mayors ruling to have "Representation by Population" to Alderman Drury's resolution as stand alone resolution

Recorded vote.

YEAS: Aldermen Caplan, McCulloch, Collins, D'Amico, Ross. -5.

NAYS: Aldermen Kiss, Agro, Drury, Morelli, Copps, Wilson, Eisenberger, Charters, Jackson, Merling, Anderson. -11

LOST.

* * * * *

Motion as amended:

- (a) That Hamilton City Council endorse in principle, the final "Memorandum of Negotiations", conducted with Gardner Church and agreed upon by the Negotiating Teams representing the City of Hamilton, the City of Stoney Creek, the Town of Ancaster and the Township of Glanbrook, subject to review of the Provincial legislation.
- (b) That the Council of the Corporation of the City of Hamilton request the Province of Ontario to immediately implement representation by population for the new council, prior to restructuring.

Recorded vote on resolution as amended.

YEAS: Mayor Morrow, Aldermen Kiss, Drury, Morelli, Wilson, Eisenberger, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -13.

NAYS: Aldermen Caplan, Agro, McCulloch, Copps. -4. **CARRIED.**

ACTING MAYOR FOR THE MONTH OF JANUARY, 1997

It was moved by Alderman Kiss and seconded by Alderman Caplan that Alderman D. Drury be appointed Acting Mayor for the month of January, 1997. **CARRIED.**

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Report of the Committee of the Whole on the Reports of the Transport and Environment Committee, the the Parks and Recreation Committee, the Planning and Development Committee, the Finance and Administration Committee, and the Report of His Worship Mayor R. M. Morrow, and resolutions be adopted.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -17

NAYS: -0. **CARRIED.**

1996 December 10

* * * * *

City Council then adjourned at midnight.

* * * * *

Taken as read and approved.

MAYOR R. M. MORROW

J. J. Schatz
1996 December 10
JJS/dg

REPORT OF THE TRANSPORT AND ENVIRONMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Transport and Environment Committee presents its **SIXTEENTH** Report for 1996 and respectfully recommends:

1. (a) That the application to close the north/south (assumed) alleyway from Glenfern Avenue to Amelia Street be approved subject to the following conditions;
 - (i) That the applicants register a reference plan under The Registry Act, the said plan be prepared by an Ontario Land Surveyor, to the satisfaction of the Regional Surveyor, to delineate the manner in which the closed portion is to be distributed among the abutting owners, and that the applicants deposit a reproducible copy of said plan with the Regional Surveyor; and,
 - (ii) That the Commissioner of Transportation be authorized to make application to the Regional Municipality of Hamilton-Wentworth for approval for the proposed closing pursuant to Section 48 of the Regional Municipality of Hamilton-Wentworth Act; and,
 - (iii) That the Director of Property be authorized to proceed with the disposition of the subject lands, save and except a 0.1m reserve along the frontage of Amelia Street, to the abutting owners; and,
 - (iv) That the applicants provide an easement in favour of the Region for the existing 750mm combined sewer in the subject alleyway; and,
 - (v) That the applicants provide an easement in favour of Bell Canada for an existing plant in the subject alleyway; and,
 - (vi) That the owner of No. 139 Glenfern Avenue concurrently dedicate to the City a 0.3m reserve along the frontage of Glenfern Avenue from the alley easterly; and,
- (b) That the application to close the east/west (unassumed) alley from the west limit of the north/south alleyway to approximately 41 feet to the east be approved subject to the following conditions:

- (i) That the City Solicitor be authorized to make an application to a District Court Judge under Section 82 of The Registry Act, R.S.O. 1980, for an order to stop-up and close the east/west (unassumed) alleyway from the west limit of the north/south alleyway to approximately 41 feet to the east as shown as Part Lots 34 and 35 on Registered Plan No. 275; and,
 - (ii) That the Commissioner of Transportation be directed to sign an affidavit setting out that no public funds have been expended on the alley to be closed; and,
 - (iii) That the documentation regarding the application to the District Court Judge be prepared by the applicant, to the satisfaction of the City Solicitor, and that the applicant be responsible for all fees payable in District Court; and,
 - (iv) That the applicant register a reference plan under The Registry Act, the said plan be prepared by an Ontario Land Surveyor, to the satisfaction of the Regional Surveyor, to delineate the manner in which the closed portion is to be distributed among the abutting owners, and that the applicant deposit a reproducible copy of said plan with the Regional Surveyor; and,
 - (v) That the Commissioner of Transportation be authorized to make application to the Regional Municipality of Hamilton-Wentworth for approval for the proposed closing pursuant to Section 48 of the Regional Municipality of Hamilton-Wentworth Act; and,
 - (vi) That the Director of Property be authorized to proceed with the disposition of the subject lands; and,
- (c) Provided the Judge's Order to close the highway is granted:
- (i) That the City Solicitor be directed to prepare a by-law for the sale of the closed highway; and,
 - (ii) That the City Clerk be directed to publish a notice pursuant to Section 301 of The Municipal Act, R.S.O. 1980, of the City's intention to pass the by-law.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross. - 15.

NAYS: Alderman Kiss. -1.

CARRIED.

2. That a "Permit Parking" regulation be implemented on the west side of Tisdale Street South commencing at a point 186 feet north of the east/west leg of Tisdale Street South and extending to a point 14 feet northerly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly.
3. That the existing "Wheelchair Loading Zone, 9:00 a.m. to 8:00 p.m., seven days a week" regulation on the east side of Wood Street West commencing at a point 74 feet south of Burlington Street West and extending to a point 24 feet southerly therefrom be removed, and that the City Traffic By-law No. 89-72 be amended accordingly.
4.
 - (a) That a "Permit Parking" regulation be implemented on the north side of Keith Street commencing at a point 162 feet west of Douglas Street and extending to a point 17 feet westerly therefrom, and on the south side commencing 172 feet west of Douglas Street and extending to a point 20 feet westerly therefrom; and,
 - (b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Ms. Nan Dicenso, No. 24 Keith Street.
5.
 - (a) That a "Permit Parking" regulation be implemented on the west side of Paling Avenue commencing at a point 167 feet north of Vansitmart Avenue and extending to a point 24 feet northerly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly; and,
 - (b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Jennifer Dawson, No. 411 Paling Avenue.
6. That two one-hour parking meters be installed on the north side of Robert Street commencing 65 feet east of James Street North and extending to a point 36 feet easterly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly.

7.
 - (a) That a "No Parking" regulation be implemented on the east side of Ferguson Avenue North commencing at Cannon Street East and extending to a point 303 feet northerly therefrom; and,
 - (b) That a "No Stopping" regulation be implemented on the east side of Ferguson Avenue North commencing at a point 512 feet south of Barton Street East and extending to a point 262 feet southerly therefrom; and,
 - (c) That a "No Stopping" regulation be implemented on the west side of Ferguson Avenue North commencing at a point 480 feet north of Cannon Street East and extending to a point 192 feet northerly therefrom; and,
 - (d) That the City Traffic By-law No. 89-72 be amended accordingly.
8. That the existing "Permit Parking" regulation on the south side of Alanson Street commencing at a point 95 feet west of the extended west curb line of Erie Avenue and extending to a point 18 feet westerly therefrom be removed, and that the City Traffic By-law No. 89-72 be amended accordingly.
9.
 - (a) That the existing residential boulevard parking agreement registered as Instrument No. 453079 C.D. to the property at No. 32 Tisdale Street North be amended at the property owner's expense; and,
 - (b) That the City Solicitor be authorized and directed to process the documents in relation to the amendment of this agreement.
10.
 - (a) That a "Permit Parking" regulation be implemented on the east side of John Street North commencing at a point 58 feet north of Strachan Street East and extending to a point 25 feet northerly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly; and,
 - (b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Margaret Campbell, No. 346 John Street North.

11. (a) That a "Permit Parking" regulation be implemented on the east side of Robins Avenue commencing at a point 29 feet north of Sunnidale Street and extending to a point 21 feet northerly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly; and,

(b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Tena Ehler, No. 10 Robins Avenue.
12. That the existing "Wheel Chair Loading Zone, 9:00 a.m. to 8:00 p.m., seven days a week" regulation on the west side of Oak Avenue commencing at a point 208 feet north of Cannon Street East and extending to a point 26 feet northerly therefrom be removed, and that the City Traffic By-law No. 89-72 be amended accordingly.
13. (a) That the "Wheelchair Loading Zone, 8:00 a.m. to 4:00 p.m., Monday to Friday" regulation on the west side of Cranbrook Drive commencing at a point 152 feet south of the south curb line of Greendale Drive and extending 40 feet southerly, be removed; and,

(b) That a "School Bus Loading Zone, 7:00 a.m. to 6:00 p.m., Monday to Saturday" regulation be implemented on the west side of Cranbrook Drive commencing at a point 152 feet south of the south curb line of Greendale Drive and extending 40 feet southerly therefrom; and,

(c) That the City Traffic By-law No. 89-72 be amended accordingly.
14. That the existing "No Stopping" regulation on the south side of Dalhousie Avenue commencing at Ottawa Street North and extending to a point 144 feet westerly therefrom be replaced with a "No Parking" regulation and that the City Traffic By-law No. 89-72 be amended accordingly.
15. That the existing "No Parking" regulation on the north side of Hurst Place between Park Street South and MacNab Street South be replaced with a "No Stopping" regulation and that the City Traffic By-law No. 89-72 be amended accordingly.

16. That the existing "Alternate Side Parking" regulation on Fairleigh Avenue North between King Street East and Wilson Street be replaced with a "No Parking Anytime" regulation on the east side and unrestricted parking on the west side and that the City Traffic By-law No. 89-72 be amended accordingly.
17. That a "No Parking, 7:00 a.m. to 8:00 p.m., Seven Days a Week" regulation be implemented on the west side of Studholme Road commencing at a point 273 feet south of Aberdeen Avenue and extending to a point 141 feet southerly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly.
18. That a "One Hour Parking Time Limit, 8:00 a.m. to 6:00 p.m., Monday to Friday" regulation be implemented on both sides of West 34th Street between Scenic Drive and Angela Avenue and that the City Traffic By-law No. 89-72 be amended accordingly.
19. That the hours of the existing "One Hour Parking Time Limit, 8:00 a.m. to 6:00 p.m., Monday to Friday" regulation on the south side of Wembley Road between West 5th Street and Upper James Street be revised such that the regulation is in effect until 8:00 p.m. and that the City Traffic By-law No. 89-72 be amended accordingly.
20. That a "No Stopping" regulation be implemented on both sides of East 36th Street commencing at the north end and extending to a point 120 feet southerly on the east side and 82 feet southerly on the west side and that the City Traffic By-law No. 89-72 be amended accordingly.
21.
 - (a) That a "Permit Parking" regulation be implemented on the north side of Primrose Avenue commencing at a point 29 feet west of Cavell Avenue and extending to a point 18 feet westerly therefrom, and on the south side of Primrose Avenue commencing at a point 56 feet west of the extended west curb line of Cavell Avenue and extending to a point 18 feet westerly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly; and,
 - (b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Norma Symington, No. 42 Primrose Avenue.

22. That the existing "Permit Parking" regulation on the west side of Norway Avenue commencing at a point 24 feet north of Cumberland Avenue and extending to a point 20 feet northerly therefrom be removed and that the City Traffic By-law No. 89-72 be amended accordingly.
23. That all-way stop control be implemented at the intersection of Appleblossom Street and Chester Avenue, and that the City Traffic By-law No. 89-72 be amended accordingly.
24. That all-way stop control be implemented at the intersection of Montclair Avenue and Grosvenor Avenue South and that the City Traffic By-law No. 89-72 be amended accordingly.
25. That the existing northbound and southbound stop control at the intersection of Christie Street and Malton Drive be switched such that eastbound and westbound traffic on Malton Drive would be required to stop for northbound and southbound traffic on Christie Street and that the City Traffic By-law No. 89-72 be amended accordingly.
26.
 - (a) That three-way stop control be implemented at the intersections of Janet Court and Kenora Avenue and Village Drive and Adorn Court and Village Drive and Fairington Crescent; and,
 - (b) That Eastgate Drive be operated as an eastbound one-way street between the east curb line of Fairington Crescent and Centennial Parkway; and,
 - (c) That the City Traffic By-law No. 89-73 be amended accordingly.
27.
 - (a) That a School Crossing Guard be assigned to the intersection of Cochrane Road and Montrose Avenue during the morning and evening school crossing periods only for the balance of 1996 and up until the approval of the 1997 Departmental Budget; and,
 - (b) That consideration be given in the 1997 Current Budget deliberations for an expansion package of \$4,000 plus administrative costs for a School Crossing Guard at this location.

28. (a) That, in accordance with Section 15(1) of the Police Services Act, 1990:

(i) the following persons be appointed as Parking Control Officers:

Cindy Cannon

Raymond Baglole

Frank Westaway

Jeff Danby; and,

(ii) the following person be appointed as a Noise Control Officer:

Raymond Baglole; and,

(b) That the following appointment as a Parking Control Officer be repealed:

George Dans.

29. That a purchase order be issued to Canadian Roadway Products, North York, Ontario, for the supply and delivery of sign blanks as and when required during 1997 by the Traffic Division, being the lowest of four bids received on items being recommended and supplying material in accordance with specifications issued by the Purchasing Division, and that the estimated expenditure of \$90,000 be financed through the Traffic Signs Materials Account No. CH56152 75999.

30. That a purchase order be issued to 3M Canada Inc., London, Ontario, for the supply and delivery of sign sheeting as and when required during 1997 by the Department of Public Works and Traffic, as per attached prices, being the only bid received and being in accordance with the specifications issued by the Purchasing Division's tender, and that this expenditure be financed through the Traffic Signs Materials Account No. CH56154 75999.

31. (a) That in accordance with the request by the Hamilton Street Railway Company, the following bus stops be installed:

Route No. 22 Upper Ottawa

- Add - Southbound - Anchor Road, west side, 279 feet south of the south curb line (projected) of Bigwin Road (M/B); and,
- Add - Westbound - Bigwin Road, north side, 545 feet west of the centre line of Pritchard Road (M/B); and,
- Add - Northbound - Anchor Road, east side, 91 feet south of the centre line of Stone Church Road East (N/S) - recovery point; and,

- (b) That the City Traffic By-law No. 89-72 be amended accordingly.

32. That the existing "School Bus Loading Zone, 7:00 a.m. to 6:00 p.m., Monday to Saturday" regulation on the south side of Laurier Avenue commencing at a point 315 feet east of Columbia Drive and extending 120 feet easterly therefrom, be revised such that the regulation commences 88 feet west of Delmar Drive and extends 40 feet westerly therefrom, and the City Traffic By-law No. 89-72 be amended accordingly.

33. (a) That in accordance with the request by the Hamilton Street Railway Company, the following bus stops be removed and installed:

Route No. 6 Aberdeen

- Delete - Westbound Franklin Road, north side, 73 feet west of the west curb line of Uplands Avenue (F/S); and,
- Delete - Eastbound Norwood Avenue, south side, 22 feet west of the west curb line of Bond Street (N/S); and,
- Delete - Eastbound Norwood Avenue, south side, 20 feet west of the west curb line of Longwood Road North (N/S); and,

- | | |
|---------------------|---|
| Delete - Southbound | Longwood Road North, west side, 58 feet south of the south curb line of Devon Place (F/S); and, |
| Delete - Southbound | Longwood Road North, west side, 3 feet north of the north curb line of King Street West (N/S); and, |
| Add - Southbound | Macklin Street North, west side, 965 feet north of the north curb line of Dufferin Street (M/B); and, |
| Add - Southbound | Macklin Street North, west side, 279 feet north of the north curb line of Dufferin Street (M/B); and, |
| Add - Southbound | Longwood Road South, west side, 130 feet south of the south curb line of King Street West (F/S); and, |

(b) That the City Traffic By-law No. 89-72 be amended accordingly.

34. That the Terms of Employment for School Crossing Guards and Spare School Crossing Guards, attached hereto as Appendix "A", be approved.
35. That a purchase order be issued to Canadian Corps of Commissionaires (Hamilton) for parking enforcement services for 1997, in accordance with the conditions of the attached Vendor's quote as follows:

<u>Position</u>	<u>Billing Rate Per Hour</u>
Sergeant	\$12.13
Commissionaire	\$11.20

36. That the application to retain an inadvertent encroachment at 317 Cannon Street East as outlined in Appendix "B", attached hereto, be approved, provided:
- (a) That the owner enter into an agreement satisfactory to the City Solicitor and Commissioner of Transportation/Environmental Services to indemnify and save the City harmless from all actions, causes of action, interests, claims, demands, costs, damages, expenses and loss; and,

- (b) That the Mayor and City Clerk be authorized to execute the City's standard form of agreement; and,
 - (c) That the first year fee and subsequent annual fee as outlined in Appendix "B" be set for the encroachment.
37. (a) That the submitted schedule of works be adopted for inclusion in the Modified Subdivision Agreement with the Owner, for the estimated cost of services in:
- City of Hamilton Land Severance Application No. B-96:7**
- City's Share - \$ 35,933.89 Owner's Share - \$ 55,948.71
- (b) That the Mayor and City Clerk be authorized and directed to execute the proposed Modified Subdivision Agreement between the City and the Owner of the lands under City of Hamilton Land Severance Application No. B-96:7, as well as any other related documents for this development subject to the approval of the City Solicitor; and,
 - (c) That approval of the above clauses be subject to the condition that no work be commenced until the necessary deeds have been endorsed; and,
 - (d) That in the event the owner wishes to proceed prior to the Final Plan and Modified Subdivision Agreement being registered, the Owner should be allowed to do so at their own risk provided that they enter into a standard agreement with the City of Hamilton for pre-servicing; and,
 - (e) That the City's share of servicing for Land Severance Application No. B-96:7 at an estimated cost of \$ 35,933.89, be financed from the Account Centre No. 00107 - Reserve for Services Through Unsubdivided Lands.
38. (a) That the Commissioner of Transportation be directed to prepare a By-law to stop up, close and retain:
- (i) The most westerly 0.30 metres of Jeremy Street, from the northerly limit of Lot 4, Registered Plan 1053, southerly to a distance of approximately 16.29 metres; and,

(ii) The most easterly 0.30 metres of Jeremy Street, from the most northerly limit of Lot 5, Registered Plan 1053, southerly to a distance of approximately 16.29 metres; and,

- (b) That the Commissioner of Transportation be authorized to make application to the Regional Municipality of Hamilton-Wentworth for approval of the proposed closings described in Sub-Section (a) (i) and Sub-Section (a) (ii) above, pursuant to Section 44 of the Regional Municipality Act R.S.O. 1990; and,
- (c) That the Commissioner of Transportation be authorized and directed to prepare and register a reference plan under the Registry Act, for the purpose of closing the road described in Sub-Section (a) (i) and Sub-Section (a) (ii) above; and,
- (d) That the City Clerk be directed to publish a notice of City Council's intention to pass the By-law, pursuant to Section 301 of the Municipal Act, R.S.O. 1990.

39. (a) That the following City land be incorporated into a certain street:

Blossom Lane	Parts 1 and 2	62R-13868
Sedona Court	Part 2	62R-13871
Queensdale Ave. E.	Part 2	62R-13352
Bordeaux Court	Parts 3 and 5	62R-13772; and,

- (b) That the By-law to carry out the incorporation of the said land into the foregoing street be enacted by Council; and,
- (c) That the Commissioner of Transportation be authorized and directed to register the By-law.

40. That City Council receive the following information:

The Transport and Environment Committee at its meeting held 1996 December 2 appointed Raffaella Brugnano, Lori Nethercut, Michael Murkovich and Kathy Vucic to serve on the Keep Hamilton Clean Committee for a term to expire 1999 December 31.

41. That the estimated expenditure level for the provision of concrete cutting saw/operator services by Bigelow Brothers Construction, being the lowest of four tenders received, be increased from \$57,000 to \$100,000 per year.
42. That the City Treasurer be directed to close the following Capital Project accounts with any excess funding to be transferred to its original source of financing:

Capital Centre Number	Project Description	Authorized Gross Cost	Expended/ Committed To Date	Balance Available	Source of Financing
609341013	Renovate Ferguson Yard Staff Facilities Building	107,000.00	103,924.40	3,075.60	Reserve for Capital Projects
609551018	Refuse Packer 25 cu.yd. capacity	397,681.50	386,104.89	11,576.61	Capital Levy/Reserve for Capital Projects
649041012	Renovations Ventilation	169,000.00	168,875.05	124.95	Reserve for Capital Projects
759549021	Traffic Signal Modernization and Installation-1995	70,000.00	52,300.84	17,699.16	Capital Levy/ Reserve for Development Charges/ MTO
TOTAL		743,681.50	711,205.18	32,476.32	

43. (a) That the Commissioner of Transportation be directed to advertise and to prepare a By-law to stop up, close and sell the road allowance of Upper Horning Road, from Upper Horning Road to Omni Boulevard and an unopened road allowance to the South City Limits, and that the said notice include Notice to the Public of the City's intention to sell Part 7; and,
- (b) That the Commissioner of Transportation be authorized to make application to the Regional Municipality of Hamilton-Wentworth for approval of the proposed closing, pursuant to Section 44 of the Regional Municipality Act R.S.O. 1990; and,
- (c) That the Applicant, prepare and register a reference plan under the Registry Act; said plan to be prepared by an Ontario Land Surveyor, to the satisfaction of the Regional Surveyor, and that it delineate the manner in which the proposed closed portion is to be distributed to the abutting owners and that the applicant deposit a reproducible copy of said plan, with the Regional Surveyor; and,
- (d) That the City Clerk be directed to publish a notice of City Council's intention to pass the By-law, pursuant to Section 301 of the Municipal Act, R.S.O. 1990; and,
- (e) That the following property be declared surplus to the requirements of the City in accordance with Realty Sales Procedural By-law No. 95-049:
- Part of the Upper Horning Road to be closed being Parts 1, 2, 3, 4, 5, 6 and 7 on Schedule "A" attached to the Agreement and part of an unopened road allowance between Lots 54 and 55, Concession 3, in the Township of Ancaster, now in the City of Hamilton; and,
- (f) That an Offer to Purchase, (Highway Closure), duly executed by Frank Mulas Construction Limited and scheduled to close within thirty (30) days after the completion of the conditions as set out in the Agreement, for the sale of the lands composed of part of Upper Horning Road to be closed being Parts 1, 2, 5 and 6 on Schedule "A" attached to the Agreement and part of an unopened road allowance between Lots 54 and 55, Concession 3, in the Township of Ancaster, now in the City of Hamilton, and comprising a total area of 1,737.75 square metres (0.42939 acres) more or less, be approved and completed as the requirements in the Municipal Act pursuant to the City's Realty Sales Procedural By-law No. 95-049 enacted on 1995 February 14 have been

fulfilled by the City and the funds derived from this sale of \$42,939 be credited to Account No. CH4X501 00102 (Reserve for Property Purchases/Sales); and,

- (g) That an Offer to Purchase (Highway Closure), duly executed by DiCenzo Construction Company Limited and scheduled to close within thirty (30) days after the completion of the conditions as set out in the Agreement, for the sale of the lands composed of part of Upper Horning Road to be closed being Parcel 1 - Parts 3 and 4 on Schedule "A" attached to the Agreement and part of an unopened road allowance between Lots 54 and 55, Concession 3, in the Township of Ancaster, now in the City of Hamilton and comprising a total area of 1,018.89 square metres (.25176 acres) more or less, Parcel 2 - being vacant land described as part of Lot 55, Concession 3, Ancaster, Part 7 on Plan attached as Schedule "A", having an area of 93.88 square metres (.02319 acres more or less, be approved and completed as the requirements in the Municipal Act pursuant to the City's Realty Sales Procedural By-law No. 95-049 enacted on 1995 February 14 have been fulfilled by the City and the funds derived from this sale of \$27,495 be credited to Account No. CH4X501 00102 (Reserve for Property Purchases/Sales); and,
- (h) That the Mayor and City Clerk be authorized and directed to execute the necessary documents; and,
- (i) That in accordance with Realty Sales Procedural By-law No. 95-049:
 - (i) satisfactory notice has been given to the public of the intended sale; and,
 - (ii) no appraisal of the fair market value of the real property being sold was obtained as Highway closures and sales are exempt from the appraisal requirements of Section 193 of the Municipal Act; and,
 - (iii) that an appraisal was received on 1996 December 2 for Part 7 in accordance with the Procedural By-law No. 95-049; and,
 - (iv) The City Clerk be authorized and directed to execute (and issue) a Certificate of Compliance in the form prescribed pursuant to Section 193 of the Municipal Act; and,

- (j) That the said property transactions are subject to the standard highway conditions in each Offer and to the additional conditions set out in Schedule "B" attached to the agreements, and attached hereto as Appendix "C" and Appendix "D".
- 44.
- (a) That the West Central Branch of the Ministry of Environment and Energy (MOEE) be advised that the City of Hamilton has the following concerns to Provincial Environmental Services receiving a Certificate of Approval for a Waste Disposal Site (Processing) for the site located at No. 97 Frid Street:
 - (i) size of the site
 - (ii) on-site traffic movement
 - (iii) parking and fire concerns
 - (iv) potential of spills relating to the sewer system
 - (v) water, air, ground and noise pollution
 - (vi) potential negative economic impact on the surrounding area; and,
 - (b) That a copy of Report ENV 96-098 be forwarded to the Ministry of Environment and Energy, West Central Branch for consideration; and,
 - (c) That a copy of the petition, a sample of which is attached hereto as Appendix "E", bearing the names of over 700 individuals opposed to the granting of a Certificate of Approval for a Waste Disposal Site Processing at No. 97 Frid Street be forwarded to the Ministry of Environment and Energy, West Central Branch.
- 45.
- (a) That the West Central Branch of the Ministry of Environment and Energy (MOEE) be advised that the City of Hamilton has no objection to I.W. & S. Ferrous Ltd. receiving an amendment to its Certificate of Approval for a Waste Disposal Site (Processing) for the site located at No. 670 Strathearne Avenue, Hamilton, provided that all environmental safeguards normally associated with the proposed activities are implemented to the satisfaction of the Ministry of Environment and Energy and that all applicable City By-laws are complied with fully; and,
 - (b) That a copy of this report be forwarded to the Ministry of Environment and Energy, West Central Branch for consideration; and,

- (c) That the Ministry of Environment and Energy be requested to forward a copy of its final decision respecting the application for Provisional Certificate of Approval for I.W. & S. Ferrous to the City of Hamilton.
46. That the Mayor and City Clerk be authorized and directed to execute an agreement in a form satisfactory to the City Solicitor to engage H.I.P. Hot-in-Place Recycling Equipment Inc. of Agincourt, Ontario to supply all necessary labour, materials and equipment to undertake hot-in-place recycling of asphalt paving on City streets with an annual minimum of 300,000 m² for three years at a cost of \$3.38/m² exclusive of applicable taxes.
47. (a) That the "Revised Sewer Street Tree Policy", attached as Appendix "F", be adopted; and,
- (b) That the Department of Public Works and Traffic prepare an information package for affected property owners and contractors regarding changes in the "Sewer Street Tree Policy"; and,
- (c) That the attached policy "Revised Sewer Street Tree Policy" be forwarded to the Regional Municipality of Hamilton-Wentworth for their consideration in adopting same; and,
- (d) That the Commissioner of the Public Works and Traffic Department continue to fund sewer root clean outs and cost share repairs and prepare an expansion package to adjust the funding allocations, for consideration in the 1997 current budget deliberations.
48. (a) That the School Crossing Guards at the intersections of Churchill Avenue and Upper James Street, Wentworth Street North and Munroe Street and Mohawk Road East and Terrace Drive be retained on a permanent basis; and,
- (b) That the School Crossing Guard at the intersection of Fennell Avenue East and High Street be removed at the end of June 1997.
49. That the action of the Chief Administrative Officer directing the removal and replacement of a tree within the Mary Street road allowance be approved subject to the following condition:

That the City be reimbursed by the Great Atlantic & Pacific Company of Canada Ltd. in the amount of \$1,380 for the cost of the removal and replacement of the tree.

50. That the following Bills be adopted, signed, sealed and enrolled as By-laws:
- (a) A-65 A By-law to Amend By-law No. 89-72 to Regulate Traffic
 - (b) A-66 A By-law to Amend By-law No. 89-72 to Regulate Traffic
 - (c) A-67 A By-law to Incorporate City Land Designated as Part 1 and 2 on Plan 62R-13868 into Blossom Lane
 - (d) A-68 A By-law to Incorporate City Land Designated as Part 2 on Plan 62R-13871 into Sedona Court
 - (e) A-69 A By-law to Incorporate City Land Designated as Part 2 on Plan 62R-13352 into Queensdale Avenue East
 - (f) A-70 A By-law to Incorporate City Land Designated as Parts 3 and 5 on Plan 62R-13772 into Bordeaux Court
 - (g) A-71 A By-law to Amend By-law No. 86-77 to Regulate Usage of Hedges, Shrubs and Plant Material on Road Allowances

Respectfully Submitted,

**ALDERMAN H. MERLING, CHAIRMAN
TRANSPORT AND ENVIRONMENT COMMITTEE**

Kevin C. Christenson, Secretary

1996 December 2nd

Appendix "A" as referred to in
Section 34 of the Sixteenth Report
of the Transport and Environment
Committee for 1996

THE CORPORATION OF THE CITY OF HAMILTON
TERMS OF EMPLOYMENT FOR
SCHOOL CROSSING GUARDS AND SPARE SCHOOL CROSSING GUARDS
AS PASSED BY CITY COUNCIL ON 1996

1.0 WORK HOURS AND WAGE RATE

1.10 School Crossing Guards at "full" points and Spare School Crossing Guards shall work a 13.75 hour week.

1.11 School Crossing Guards at "short" points shall work a 8.25 hour week (60% of a full point).

1.12 The hourly rate of pay for all School Crossing Guards will be as set out below:

PROBATIONARY
HOURLY RATE: \$9.455

HOURLY RATE: \$9.709

1.13 The probationary period and rates shall apply for six (6) months, excluding July and August, commencing from the employee's start date.

1.14 The hours of work described in this Section are stated solely for the purpose of calculating overtime and are not a guarantee of any minimum hours of work. Those employees who work greater hours or parts of hours than that described shall be entitled to overtime. The overtime rate shall be equivalent to the standard hourly rate, expressed in decimal parts per hour.

1.15 The duration of the break between the lunch time school dismissal crossing period and the lunch time school entry crossing period shall be included in the hours of work, should it be 15 minutes or less, expressed in decimal parts per hour.

- 1.20 School Crossing Guards and Spare School Crossing Guards are not normally scheduled to work during July and August except those assigned to work during the "SUMMER CROSSING PROGRAM". See Section 13.0 of these Terms of Employment.
- 1.30 All Spare School Crossing Guards and School Crossing Guards who work on School Board designated Professional Activity Days shall be paid for each Professional Activity Day at their appropriate Hourly Rate.
- 1.40 Spare School Crossing Guards shall receive pay for days on which they are available to work and required to be available for work by the employer, but do not work. However, notwithstanding the above, Spare School Crossing Guards shall not receive pay for days which they are unavailable for work, unless they are off on illness/injury and are drawing from their sick bank.
- 1.50 The March School Break shall be paid at the employee's appropriate rate of pay. Exceptions to the foregoing are as follows in Section 1.51.
- 1.51 An employee shall not be paid for the March School Break:
- (a) if he/she has been absent without good cause, as determined by the Employer, on the scheduled working day immediately preceding and/or following the March School Break; or,
 - (b) if he/she has not been employed by the Employer for at least thirty (30) continuous days; or
 - (c) if he/she does not earn wages on twelve (12) days of the four (4) weeks preceding the March School Break.
- 1.60 All School Crossing Guards and Spare School Crossing Guards who attend the annual training session prior to the school year shall be paid for two (2) hours.

2.0 STATUTORY HOLIDAYS

- 2.10 Statutory holidays shall be paid at the employee's appropriate rate of pay in accordance with the Employment Standards Act (Ontario), as follows:

Good Friday
Easter Monday
Victoria Day
Canada Day

Thanksgiving Day
Christmas Day
Boxing Day
New Year's Day

2.11 An employee shall not be paid for any Statutory Holiday:

- (a) if he/she has been absent without good cause as determined by the Employer, on the scheduled working day immediately preceding and/or following such holiday; or
- (b) if he/she has not been employed by the Employer for at least thirty (30) continuous days; or
- (c) if he/she does not earn wages on twelve (12) days of the four (4) weeks preceding the holiday.

3.0 VACATION

3.10 Vacation time shall not be provided. Payment for vacation shall be made at the rate of percent (as outlined below) of earnings in the preceding calendar year excluding vacation pay, to employees who have years of service (as outlined below) completed during the current vacation year.

<u>Vacation Qualification</u>	<u>Percent of Vacation Pay</u>
less than 1 year	4.0 %
1 year	5.1 %
4 years	7.7 %
9 years	10.3%

3.20 Vacation entitlement shall be paid out on the first pay of the year following the vacation year.

4.0 SICK LEAVE

4.10 Permanent employees shall accumulate 1.5 days sick leave credits per month up to a maximum of fifteen (15) days sick leave credit per year with the following exceptions:

Employees absent due to illness/injury exceeding a total of eight (8) working days in the month shall receive no credit for that month.

Employees working during the months of July and August shall receive no credits for those months.

- 4.20 A permanent employee who has six months or more employment is eligible to draw from his/her sick bank up to the number of days accumulated.
- 4.30 Any absence of less than one full day will be recorded to the nearest quarter day.
- 4.31 Any absence of one full day will be recorded as a full day absence.
- 4.32 Deductions from an employee's sick bank will be adjusted to the nearest half day.
- 4.40 School Crossing Guards at "full" points and Spare School Crossing Guards are entitled to take up to four (4) school crossing periods off for MEDICAL appointments without loss of pay, in each calender year.
- 4.41 School Crossing Guards at "short" points are entitled to take up to two (2) school crossing periods off for MEDICAL appointments without loss of pay, in each calender year.
- 4.50 Policies and Procedures relating to attendance and claiming of disability benefits as approved by City Council and amended from time to time shall be applicable to all School Crossing Guards. The documentation is included in the Employee Handbook dated April 1992.

5.0 SICK LEAVE GRATUITY

- 5.10 An employee who ceases employment as a School Crossing Guard or a Spare School Crossing Guard and who was employed:
- (i) for not less than seven (7) years and not more than twelve (12) years is entitled to a gratuity equal to one half the number of unused days of sick leave standing to his/her credit at his/her appropriate Daily Rate of pay for the year in which employment ceases, provided that in no case shall the amount of the gratuity be more than an amount equal to his/her salary or other remuneration for the immediately preceding sixty-five (65) days excluding the months of July and August;
 - (ii) for not less than twelve (12) years is entitled to a gratuity equal to one half the number of unused days of sick leave standing to his/her credit at his/her appropriate Daily Rate of pay for the year in which employment ceases, provided that in no case shall the amount of gratuity be more than an amount equal to his/her salary or other remuneration for the immediately preceding one hundred and thirty (130) days excluding the months of July and August.
- 5.20 An employee whose working day was changed between a "full" point and a "short" point shall have his/her sick leave gratuity calculated partially at the "full" point rate and partially at the "short" point rate, based on the proportion of years the employee was employed at each rate.
- 5.30 When an employee ceases to be employed as a School Crossing Guard or as a Spare School Crossing Guard but continues to be employed by the Employer in an uninterrupted fashion:
- (i) the number of unused days of sick leave standing to his/her credit earned under this Terms of Employment is not transferable;
 - (ii) the employee may apply for sick leave gratuity under this Terms of Employment.
- 5.40 In the event that an employee dies while in the employ of the Employer, his/her estate is entitled to receive payment of the gratuity in accordance with the provisions of the current Terms of Employment.

6.0 LEAVE OF ABSENCE

- 6.10 All School Crossing Guards and Spare School Crossing Guards requesting a leave of absence must comply with the City of Hamilton Policies and Procedures respecting unpaid leaves of absence. Approval of all leaves of absence will be at the discretion of the Employer and will be based on the operational needs of the Employer.
- 6.20 Employees shall be allowed up to three (3) consecutive calendar days leave of absence without loss of pay in the event of death in the immediate family. Members of the immediate family shall be defined as; a spouse, common-law-spouse, child, parent, foster or adopted parent, grandparent, grandchild, brother or sister, parent-in-law, son-in-law, daughter-in-law, brother-in-law or sister-in-law. Such leave to be taken at the time of that bereavement or at the time the employee receives notification of that bereavement. Proof of bereavement may be required by the Commissioner of Human Resources.
- 6.30 An employee who is required to serve as a juror, or as a witness in any court, shall be paid his/her regular rate of pay for his/her normally scheduled working hours of any day or part of a day that he/she is absent because of such service. Jury duty pay and witness fees less reasonable expenses incurred by the employee as a result of serving as a juror or as a witness, shall be paid to the Treasurer of the Employer on receipt thereof by such employee.

An employee may elect to use a leave of absence without pay, in order to attend to jury or court duty. In such cases, the employee will retain all fees paid to him/her by the court.

7.0 CLOTHING

- 7.10 Uniforms shall be provided by the Employer; except that all guards shall provide their own footwear acceptable to the Employer.
- 7.20 The issued uniform shall be worn as prescribed by the Employer.
- 7.30 The uniform remains the property of the Employer and must be returned upon termination or when requested. Failure by the employee to return the uniform upon termination will result in the Employer deducting the value of the uniform from his/her termination pay.

8.0 CLEANING, FOOTWEAR, TRAINING AND TRAVEL ALLOWANCES

- 8.10 All School Crossing Guards and Spare School Crossing Guards shall receive \$5.00 per full month worked Cleaning Allowance, up to a maximum of \$50.00 per school year; except that \$2.50 shall be deducted from said amount for each month which the employee works less than half of the scheduled working days.
- 8.20 All School Crossing Guards and Spare School Crossing Guards shall receive \$5.00 per full month worked Footwear Allowance, up to a maximum of \$50.00 per year; except that \$2.50 shall be deducted from said amount for each month which the employee works less than half of the scheduled working days.
- 8.30 All Spare School Crossing Guards shall receive \$38.00 per week; (\$7.60 per day) Travel Allowance; except that \$7.60 shall be deducted from said amount for every full day or \$2.50 per crossing period, on which he/she is not available for work.
- 8.40 Any School Crossing Guard who works temporarily at a location other than his/her regularly scheduled location, as requested by his/her Supervisor, shall receive \$2.50 per school crossing period Travel Allowance if he/she is required to use his/her own vehicle.
- 8.50 Any School Crossing Guard who travels an abnormal distance to his/her point (as determined by the Employer), shall receive \$5.00 per day worked, Travel Allowance for a "short" point or \$7.60 per day worked, Travel Allowance for a long point if he/she is required to use their own vehicle.
- 8.60 Any School Crossing Guard who, at the request of his/her Supervisor trains another employee, shall receive an additional \$1.25 per crossing period for those crossing periods spent training.
- 8.70 Travel Allowance as appropriate shall be paid each pay period.
- 8.80 Travel Allowance shall not be paid to any Guard working during the SUMMER CROSSING PROGRAM.

9.0 MEDICAL TESTING

- 9.10 The Employer reserves the right to require the employee to undergo medical testing to ascertain only the employee's ability to discharge his/her duties. The testing shall not be conducted in a discriminatory manner.
- 9.20 Medical testing when required by the Employer is mandatory and shall be conducted at a place chosen by the Employer and at the Employer's expense.
- 9.30 Failure to submit to medical testing will result in a suspension without pay and/or dismissal.
- 9.40 The Employer, upon receipt of notification that the employee is "medically unfit" to discharge his/her duties, will have the right to suspend the employee without pay until such time as the employee is declared to be medically fit to return to duty as determined by the agencies conducting the medical testing on behalf of the employee and upon approval of the Employer.

10.0 REPORTING RESPONSIBILITY

- 10.10 All School Crossing Guards and Spare School Crossing Guards report directly to the:

School Crossing Supervisors
Community Traffic Services Section
Public Works & Traffic Department
City of Hamilton

Telephone Number 546-2200

11.0 PROGRAM CHANGES

- 11.10 School crossing locations and working hours are established by resolutions of the Municipal Councils of Hamilton, Dundas, Ancaster and Flamborough and in accordance with the Policies and Procedures of the Corporation of the City of Hamilton Public Works & Traffic Department. Therefore, the Employer reserves the right to reduce or increase a point between "full" and "short" hours at any location with a minimum of two (2) weeks written notice to affected employees and to eliminate or add school crossing locations.

12.0 POLICIES AND PROCEDURES

- 12.10 All School Crossing Guards and Spare School Crossing Guards must comply with the City of Hamilton Public Works & Traffic Department policies and procedures respecting "School Crossing Guard Operational Matters" and "Health and Safety Matters". Failure to comply with said policies and procedures will result in disciplinary action up to and including termination.

13.0 SUMMER CROSSING PROGRAM

- 13.10 A School Crossing Guard or Spare School Crossing Guard working during the "SUMMER CROSSING PROGRAM" shall be paid at the rates described in Section 1.12.
- 13.20 An employee working during the "SUMMER CROSSING PROGRAM" shall not earn sick leave credits nor be able to use sick leave credits during his/her employment as a "SUMMER CROSSING GUARD".
- 13.30 Sections 4.40, 4.41, 8.10, 8.20, 8.30, 8.40, and 8.50 of this Terms of Employment are not applicable to "SUMMER CROSSING GUARDS".

14.0 DEFINITIONS

14.10 The following words are defined as used in this Terms of Employment:

School Crossing Guard - an employee hired by the Employer to fulfil the mandate of the job description of the position of School Crossing Guard. School Crossing Guards are assigned to a specific point or school crossing location.

Spare School Crossing Guard - an employee hired by the Employer to fulfil the mandate of the job description of the position of Spare School Crossing Guard. Spare School Crossing Guards are not assigned to a specific point or school crossing location on a permanent basis but must be available on all school days to "fill in" at various points or school crossing locations when required.

Employee- any individual hired as a School Crossing Guard or Spare School Crossing Guard by the Employer.

Employer - The Corporation of the City of Hamilton.

A "full" point is a location where a guard is assigned to work during the morning entry, lunch dismissal, lunch entry and evening dismissal school crossing periods.

A "short" point is a location where a guard is assigned to work during the morning entry and evening dismissal school crossing periods only.

SUMMER CROSSING PROGRAM - The use of School Crossing Guards to cross children during the non-school months of July and August.

SUMMER CROSSING GUARD - A School Crossing Guard or Spare School Crossing Guard who has volunteered and has been accepted by the Employer to work during the SUMMER CROSSING PROGRAM.

YEAR - Unless otherwise noted shall mean calendar year (Jan to Dec inclusive).

15.0 CHANGES TO THESE TERMS OF EMPLOYMENT

15.10 This document is subject to change by the Employer without notice.

Appendix "B" as referred to in
Section 36 of the Sixteenth Report
of the Transport and Environment
Committee for 1996

<u>Location</u>	<u>Municipal Address</u>	<u>Owner</u>	<u>Type of Encroachment</u>	<u>First Year/ Annual Fee</u>
East Avenue	317 Cannon Street East	Ali Shaikh	Portion of Fire Escape measuring 0.60m x 0.792m Steps measuring 0.30m x 0.91m Portion of a landing measuring 4.57m x 0.387m Steps measuring 0.487m x 0.792m	\$138/20

**Appendix "C" as referred to in Section 43
of the Sixteenth Report of the Transport
and Environment Committee for 1996**

Schedule "B"

1. It is understood and agreed by both parties that the completion of this transaction is, in addition to the conditions set out in the attached Offer, also conditional upon:
 - a) The Corporation of the City of Hamilton offering Part 5 (on a Plan dated November 28, 1996 prepared by A.J. Clarke and Associates) to DiCenzo Construction Company Limited and Sunshine Construction Inc. at a price of One Thousand, Eight Hundred and Fourteen Dollars (\$1,814.00);
 - b) The City receiving, in writing, on or before the closing of this transaction, from DiCenzo Construction Company Limited and Sunshine Construction Inc., a statement:
 - i) acknowledging receipt of the City's Offer of Part 5 at a price of \$1,814.00;
 - ii) informing the City that DiCenzo Construction Company Limited and Sunshine Construction Inc. decline to exercise and have decided to waive their right to purchase the said Part 5;
 - c) Part 5 being closed CONTEMPORANEOUSLY with Part 6 on the said Plan;
 - d) Frank Mulas Construction Limited,
 - i) not opposing and taking all reasonable steps required by the City to assist the closure and sale of said Parts 3, 4, 5 and 6 for the following purposes: Part 3 and 4 being intended to be closed and sold by the City to DiCenzo Construction Company Limited and Sunshine Construction Inc. Parts 5 and 6 intended to be closed and sold by the City to Frank Mulas Construction Limited;
 - ii) delivering to the City, in writing on or before the closing of this transaction, a statement:
 - aa) acknowledging receipt of the City's Offer of Part 4;
 - bb) informing the City that Frank Mulas Construction Limited declines to exercise and has decided to waive its right to purchase the said Part 4;
 - iii) conveying title to the City free and clear of all encumbrances, the land described as Part 7 on the said plan for the sum of \$2,319.00. The said price includes GST, which the vendor agrees to remit to Revenue Canada. Regarding the said Part 7, the City shall have the right to submit requisitions on title to Part 7 up to the date of closing. As the said Part 7 is intended for re-conveyance by the City to DiCenzo Construction Company Limited and Sunshine Construction Inc., the closing of this purchase by the City is expressly conditional upon DiCenzo Construction Company Limited and Sunshine Construction Inc. agreeing to take title to the said Part 7 from the City on the same date Part 7 is to be transferred by Frank Mulas Construction Limited to the City.
2. The said clause one of this Schedule "B" is for the benefit of both the Vendor and the Purchaser and neither party has the right to waive compliance with any of its conditions.

In the event that a condition in paragraph one of this Schedule is not fulfilled, then the Agreement of Purchase & Sale arising out of the City's acceptance of this Offer to Purchase, shall be at an end, the deposit shall be returned to the Purchaser by the Vendor without interest and the Purchaser shall have no claim against the Vendor for any expenses or costs.

**Appendix "D" as referred to in Section 43
of the Sixteenth Report of the Transport
and Environment Committee for 1996**

Schedule "B"

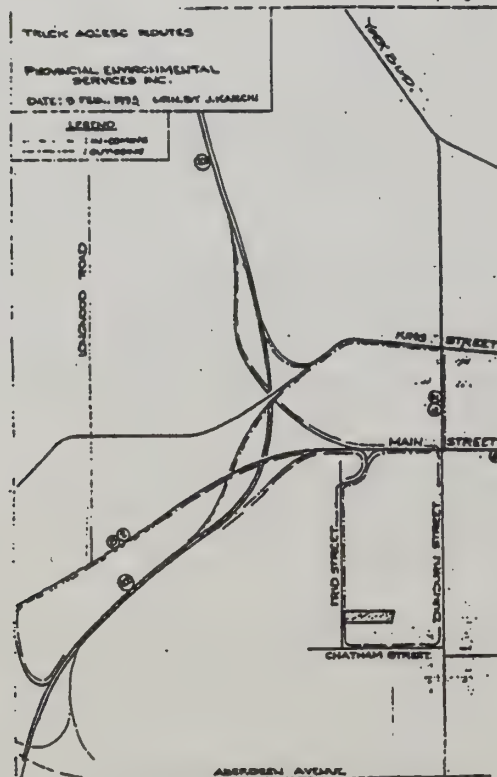
1. It is understood and agreed by both parties that the completion of this transaction is, in addition to the conditions set out in the attached Offer, also conditional upon:
 - a) The Corporation of the City of Hamilton offering Part 4 (on a Plan dated November 28, 1996 prepared by A.J. Clarke and Associates) to Frank Mulas Construction Limited at a price of Nine Thousand, Two Hundred and Thirty-five Dollars and Forty-eight Cents (\$9,235.48);
 - b) The City receiving, in writing, on or before the closing of this transaction, from Frank Mulas Construction Limited, a statement:
 - i) acknowledging receipt of the City's Offer of Part 4 at a price of \$9,235.48;
 - ii) informing the City that Frank Mulas Construction Limited declines to exercise and has decided to waive its right to purchase the said Part 4;
 - c) Part 4 being closed CONTEMPORANEOUSLY with Part 3 on the said Plan;
 - d) DiCenzo Construction Company Limited and Sunshine Construction Inc.
 - i) not opposing and taking all reasonable steps required by the City to assist the closure and sale of said Parts 3, 4, 5 & 6 for the following purposes: Part 3 & 4 being intended to be closed and sold by the City to DiCenzo Construction Company Limited and Sunshine Construction Inc. Parts 5 and 6 intended to be closed and sold by the City to Frank Mulas Construction Limited;
 - ii) delivering to the City, in writing on or before the closing of this transaction, a statement:
 - aa) acknowledging receipt of the City's Offer of Part 5
 - bb) informing the City that DiCenzo Construction Company Limited and Sunshine Construction Inc. decline to exercise and have decided to waive their right to purchase the said Part 5;
 - iii) The Corporation of the City of Hamilton acquiring title to Part 7 free and clear of all encumbrances from Frank Mulas Construction Limited. The parties agree that the portion of the sale price attributable to Part 7 is the sum of \$2,319.00, in respect of which the purchaser shall pay the City the G.S.T. of 7%. Regarding the City's administrative and related expenses in respect of the acquisition and re-sale of Part 7, DiCenzo Construction Company Limited and Sunshine Construction Inc. agree, upon the closing of this transaction with the City, to reimburse the City for such expenses as reasonably determined by it, an amount not exceeding the sum of \$1,000.
2. The said clause one of this schedule "B" is for the benefit of both the Vendor and the Purchaser and neither party has the right to waive compliance with any of its conditions.

In the event that a condition in paragraph one of this Schedule is not fulfilled, then the Agreement of Purchase & Sale arising out of the City's acceptance of this Offer to Purchase, shall be at an end, the deposit shall be returned to the Purchaser by the Vendor without interest and the Purchaser shall have no claim against the Vendor for any expenses or costs.

WE ARE OPPOSED TO THE GRANTING OF A CERTIFICATE OF APPROVAL FOR A
WASTE DISPOSAL SITE PROCESSING AT 97 FRID STREET TO PROVINCIAL
ENVIRONMENTAL SERVICES INC. FOR THE FOLLOWING REASONS AND WE
RESPECTFULLY REQUEST A HEARING UNDER THE ENVIRONMENTAL
PROTECTION ACT.
- OVER

NAME (Please Print)	ADDRESS (Please Print)	POSTAL CODE	PHONE NO.	SIGNATURE
<i>J. McQuay-Newcomb</i>	160 Flatt Ave.	L8P4N3	522-4851	<i>J. McQuay-Newcomb</i>
<i>MURRAY GIBNEY</i>	148 FLATT AVE	L8P4N3	521-0931	<i>M. Gibney</i>
<i>GARY LEROY</i>	144 FLATT AVE	L8P4N3	522-2087	<i>G. Leroy</i>
<i>John E. Linell</i>	140 Flatt Ave	L8P4N3	522-5926	<i>J. Linell</i>
<i>R. Buehler</i>	136 FLATT AVE	L8P4N3	631-6363	<i>R. Buehler</i>
<i>Beline & Jerry O'Bannon</i>	132 Flatt Ave	L8P4N3	-	<i>P.A. O'Bannon</i>
<i>Cassey Bryne</i>	124 Flatt Ave	L8P4N3		<i>C. Bryne</i>
<i>Stephen Haddad</i>	120 FLATT AVE	L8P4N3		<i>S. Haddad</i>
<i>Joseph H. Hagood</i>	116 FLATT AVE	L8P4N3		
<i>J. McGovern</i>	104 Flatt Ave	L8P4N3		
<i>P. H. Dick</i>	100 FLATT AVE	L8P4N3		<i>P. H. Dick</i>
<i>D. Fraser</i>	96 Flatt Ave	L8P4N3	528-5352	<i>D. Fraser</i>
<i>CHRIS CARROLL</i>	90 FLATT AVE	L8P4N3	526-6114	<i>Chris Carroll</i>
<i>Gandra Carroll</i>	80 Flatt Ave	L8P4N3		<i>G. Carroll</i>
<i>Selina Millett</i>	72 Flatt Ave.	L8P4N3	523-7130	<i>S. Millett</i>
<i>Beverley Nagy</i>	68 FLATT AVE	L8P4N3	525-3559	<i>B. Nagy</i>
<i>Betty Streiner</i>	64 FLATT AVE	L8P4N3	unlisted	<i>B. Streiner</i>
<i>Steve Thompson</i>	59 FLATT AVE.	L8P4N2	523-5747	<i>S. Thompson</i>
<i>Ann Hollinghead</i>	59 Flatt Ave. 1235	L8P4N2	523-5747	<i>A. Hollinghead</i>
<i>C. WERNER</i>	44 FLATT AVE	L8P4N2	-	<i>C. Werner</i>

1. WE ARE CONCERNED ABOUT THE RISK TO THE HEALTH AND SAFETY OF RESIDENTS, CHILDREN, BUSINESSES AND PROPERTIES IN THE AREA.
2. WE HAVE SERIOUS CONCERNS ABOUT THE POSSIBILITY OF ACCIDENTS OR SPILLS CAUSING POSSIBLE RISKS AND HARM TO THE PEOPLE OF THE AREA WHO USE THE AREA, i.e. SCHOOL CHILDREN FROM SEVERAL SCHOOLS, SHOPPERS, BINGO PARTICIPANTS, EMPLOYEES OF BUSINESSES, COMPANIES AND STORES, RESIDENTS OF THE HOMES, APARTMENTS AND NURSING HOMES IN THE AREA.
3. ACCIDENTS OR SPILLS COULD RESULT FROM THE EXPANDED PLANT'S ACTIVITY ON SITE OR AN OUTSIDE ACCIDENT IMPINGING ON THE NEIGHBOURHOOD, i.e. A BUSY RAILWAY CARRYING POTENTIALLY COMBUSTIBLE MATERIAL, THE PROXIMITY OF HIGHWAY 403, THE BUSY MAIN STREETS. THIS MIGHT CREATE AN EMERGENCY SITUATION REQUIRING DISASTER MANAGEMENT.
4. AN EXPANSION OF CHEMICALS RECEIVED, STORED AND PROCESSED COULD LEAD TO AIR, GROUND, WATER (HARBOUR) AND NOISE POLLUTION.



- 75% of the waste is reported to be household waste i.e. paints, oils, solvents, cleaners
- We would like to know what the other 25% consist of.
- There will be 280 tonnes of waste materials stored for up to 180 days on site.
- Increased danger of trucks bringing "industrial waste" on our streets, bringing it in and shipping it out.
- The site is inappropriate in location and size for such an operation. $\frac{1}{2}$ of an acre / 0.34 hectares
- The location could possibly put everyone within the local vicinity at risk - an operation like this is a potential "time bomb" just waiting for human error.
- The proposed activities for the Certificate of Approval are not consistent with City of Hamilton Official Plan policy in terms of encouraging light industrial type land uses in this area.

**Appendix "F" as referred to
in Section 47 of the Sixteenth
Report of the Transport and
Environment Committee**

SEWER STREET TREE POLICY

SEWER CLEANING	When the City receives complaints from a property owner regarding City tree roots impairing the operation of the property owner's sewer, it will be the property owner's responsibility to contact a sewer contractor to clean out the property owner's sewer. The sewer contractor will advise the property owner and the City by way of a signed invoice indicating the exact cause of the blockage.
BLOCKAGE BY TREE ROOTS	If it is determined that the sewer blockage was caused by the roots of a City tree, the City will assume 100% of the cost of the clean out.
BLOCKAGE OTHER THAN TREE ROOTS	If it is determined that the blockage was not caused by the roots of a City tree, the total cost for the clean out will be assumed by the property owner.
THOROUGH CLEANING	Upon receipt of the property owner's first invoice for consideration of payment, staff will investigate the property owner's claim. For example, if it is determined that the sewer lateral is a diameter of six (6) inches and a smaller diameter cutter was used to clear the property owner's sewer line, the City will respond with a letter advising the property owner that a thorough cleaning with a six (6) inch cutter must be completed and that if a proper cleaning is not completed, the City of Hamilton will not be obliged to pay further clean out invoices or any repair invoices for the property owner's sewer line where the above format has not been followed.
ITEMS NOT REIMBURSED BY CITY OF HAMILTON	The City of Hamilton will not reimburse the cost of the following: videos of the sewer, rental invoices, installation of cleanouts, warranties and purchase of drain cleaner.
50/50 COST SHARE SEWER LATERAL	If a sewer clean out is required twice or more in one year, as the result of City tree roots, the Commissioner of Public Works & Traffic will discuss the situation with the property owner and a decision will be made by the Commissioner of Public Works & Traffic to cost share 50/50 either the removal of the tree and/or replacement of that portion of the sewer line affected by tree roots. The replacement sewer line must meet Region of Hamilton-Wentworth Specifications and a permit must be obtained prior to construction.

**Blockage on
Road Allowance**

A. If there is a blockage caused by settlement or a collapsed or broken sewer line, the Regional Municipality of Hamilton-Wentworth will pay 100% of the cost to repair the sewer line, regardless of whether or not tree roots are present.

B. If there is a blockage caused by tree roots, then arrangements will be made to cost share 50/50 for the removal of the blockage.

Upon discussion with the property owner, the Commissioner of Public Works & Traffic has the option to continue with a scheduled sewer clean out program; the City will assume 100% of the cost of the clean out.

PROPERTY DAMAGE Property damage as a result of tree roots other than sewer lateral damage shall be dealt with through the claims process.

TREE REMOVAL As per By-Law 92-155 Subsection 5.(1) the Commissioner may authorize the removal of any public tree when it is considered necessary in the public interest. If it is determined that for one reason or another tree roots may be seriously impairing the use of the sewer line making it impossible to clean out or causing other property damage then the Commissioner will discuss options with the property owner to remove the offending tree thereby providing a permanent solution and removing any liability for future repairs from the City of Hamilton.

NOTE: Shadow indicates new items.

REPORT OF THE PARKS AND RECREATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Parks and Recreation Committee presents its **SIXTEENTH** Report for 1996 and respectfully recommends:

1. That the City of Hamilton Special Events Guidelines approved by City Council on 1996 January 30 be amended by deleting Section 14 of the Bayfront Park Site Specific Guidelines and inserting the following:

Subject to Council approval, an event organizer may utilize a portion of the Park for public access on an admission fee basis, said park area to exclude the boat launch and adjacent car/trailer storage area, perimeter recreational trail and beach unless safety dictates restrictions to public access to these areas. i.e. power boat races and staging of fireworks celebrations.

2. (a) That approval, as required by By-law No. 95-126, Sections 5 and 35, be granted to the following Community Councils to conduct horse drawn wagon rides, bonfires, skating parties, Lumberjack Games/Demonstrations and various large Winterfest Family activities on the dates listed below:

<u>Community Council</u>	<u>Date/97</u>	<u>Location</u>
North Central	February 1	North Central Park
Friends of Gage Park	February 1	Gage Park
Gourley Park	February 1	Gourley Park
Gilkson Park	February 1	Gilkson Park
Riverdale	February 2	Warden Park
St. Clair	February 2	Myrtle Park
Eleanor	February 2	Eleanor Park
Strathcona	February 2	Victoria Park; and,

- (b) That approval be granted to Big "A" Amusement Ltd. to hold midway rides in the Leander Boat Club parking lot on 1997 February 7 to February 9, as part of the Winterfest Carnival subject to the following terms and conditions:

- (i) That proof of insurance be provided in the amount of \$5 million for Comprehensive General Liability, Property Damage and Bodily Injury, subject to cross-liability and severability provisions, naming the City as additional insured; and,
 - (ii) That the applicant assume responsibility for all labour charges associated with the event (set-up, dismantling, clean-up, etc); and,
 - (iii) That Special Duty Officers, as deemed necessary by the Hamilton Wentworth Regional Police be provided at the applicant's expense; and,
 - (iv) A site plan of the area to be submitted thirty days prior to event; and,
 - (c) That permission be granted as required by Parks By-law No. 95-126 Section 5, 12 (a) and Section 35 to hold a fireworks display, bonfires, and bring animals into Chedoke Winter Sports Park, Pier 4 Park on 1997 February 7 to 9.
3. (a) That the development of T. B. McQuesten Park on Upper Wentworth Street as a Community Park, as per the development concept dated July 1994 attached hereto as Appendix "A", be approved for construction; and,
- (b) That staff prepare a current budget allocation for inclusion in the Parks Division current budget commencing in 1998 to undertake maintenance of the fully developed 12.75 ha site.

4. That City Council receive the following information:

The Parks and Recreation Committee at its meeting held 1996 December 3 appointed Shelagh Snider and Marvin Ryder to serve on the Arts Advisory Commission for a term to expire 1997 November 30.

5. (a) That the City of Hamilton enter into a Licence Agreement with The Ontario Housing Corporation (OHC) for the use of their lands for recreational purposes forming part of the Red Hill Valley Trail System, located at No. 2 Oriole Crescent, Hamilton, more particularly described as that part of Block "B", part Woodward Avenue (closed by Judge's order Instrument No. 61766 A.B.), Registered Plan 876, in the City of Hamilton, more specifically described as Part 1 on Plan RC-H-421 Surveys, the trail being 3 metres (10 feet) more or less, in width and having a length of 144 metres (482.4 feet) more or less, across the OHC lands, comprising a total area of 432.7 square metres (4,657.7 square feet) more or less, and that the payment of this agreement of \$1 be charged to Account No. CF639553028 (Red Hill Valley Trail); and,
- (b) That the Agreement be subject to the following terms:
- (i) all costs for construction, maintenance and repair of the trail works be at no cost to the OHC; and,
- (ii) the agreement, all or in part, be able to be terminated upon sixty (60) calendar days written notice from the City; and,
- (c) That the Mayor and City Clerk be authorized and directed to execute the necessary documents in a form satisfactory to the City Solicitor.
6. That the following Bill be adopted, signed, sealed and enrolled as a By-law:
- B-4 A By-law to Amend Cemeteries By-law No. 8861 Respecting Revised Tariff of Charges

Respectfully Submitted,

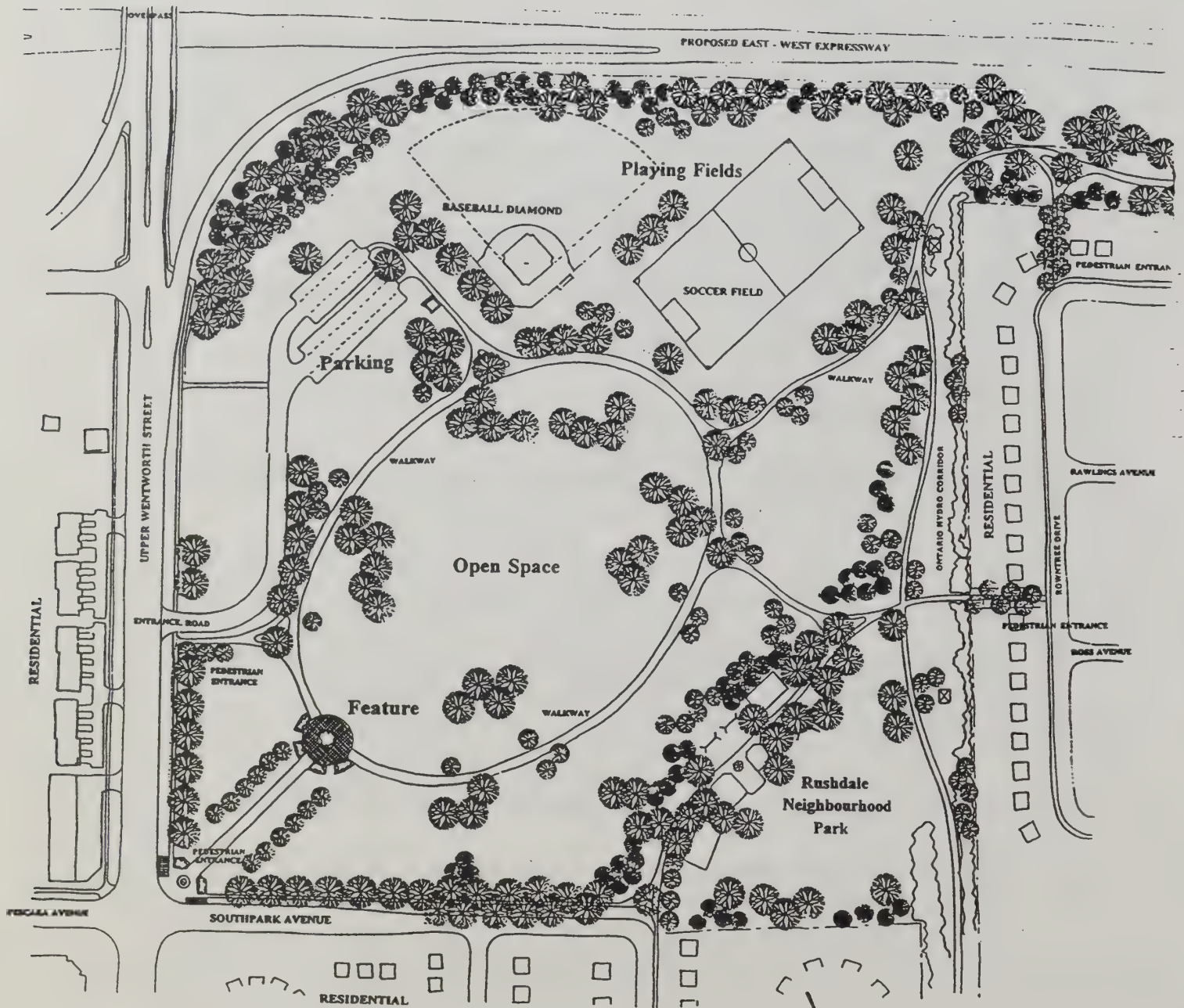
**ALDERMAN F. EISENBERGER, CHAIRMAN
PARKS AND RECREATION COMMITTEE**

Kevin C. Christenson, Secretary

1996 December 3rd

1996 December 10

Appendix "A" as referred to in
Section 3 of the Sixteenth Report
of the Parks and Recreation Committee
for 1996



**Concept Plan
of
T.B. McQUESTEN
PARK**

JULY 1994



REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Planning and Development Committee presents its **TWENTIETH** Report for 1996 and respectfully recommends:

1. (a) That approval be given to Application CD-96-002, under the Rental Housing Protection Act, Jose da Silva, owner, for conversion of 16 rental row houses to condominium units for the property located at 914 Mohawk Road East, subject to the following conditions:
 - (i) That the Owner offer, in writing, to the Tenants residing at the premises on the date of Council's approval, the right to lease their current unit, noted in APPENDIX "A", for a period of not less than seven years from the registration on title of the Rental Housing Protection Act (RHPA) Approval Agreement required below, at the rent rate set out in APPENDIX "A", upon the following minimum terms:
 1. the Offer shall be open for acceptance by the Tenants for a period of 30 days from the date the Offer is sent;
 2. the City will send the Offer, by registered mail, to the tenants residing at the premises as of the date of Council approval of the Rental Housing Protection Act application, immediately following the expiration of the appeal period of the Council approval;
 3. that leases entered into as a result of (i) and (ii) above, be executed prior to the City's execution of the RHPA Approval Agreement;
 4. that the Tenants' rent shall not be increased during the duration of the lease but for increases permitted under the Residential Rent Regulation Act, as amended;
 5. that such lease shall commence on the date the Owner's Offer is accepted by signature of the Tenant; and,
 6. that the Tenants' may terminate the said lease at any time on 60 days written notice, without penalty.

- (ii) That the Owner grant to the Tenants named in APPENDIX "A" an Option to Purchase a Unit specified in APPENDIX "A", (together with appurtenant interests). Such Option shall allow each tenant at least seven years from the registration on title of the RHPA Approval Agreement to exercise their Option to purchase a unit. Within forty-five (45) days of a Tenant's Notice that it is exercising the Option, the Owner and Tenant shall negotiate and enter into an Agreement of Purchase and Sale form, in a form acceptable to the Hamilton Real Estate Board, with the necessary amendments for the sale of a Unit by the Owner;
- (iii)
 - 1. That the City send by registered mail to the tenants residing at the premises as of the date of the Council approval of the RHPA application, the Option to Purchase details set by City Council; and,
 - 2. That the notice indicated in section (i) above shall be sent immediately following the expiration of the appeal period of the Council approval; and,
 - 3. That the tenants noted in (i) above shall be given 30 days from the date of the letter sent by the City to notify the City whether they are or are not interested in further considering the option.
- (iv) That this RHPA approval shall cease and be at an end,
 - 1. if the Owner has sold the land without entering and registering the RHPA Approval Agreement with the City; and,
 - 2. in any event, within five years from the date of this approval resolution of Council, unless the Owner has prior to such date, registered a Plan of Condominium in accordance with the applicable legislation and any conditions imposed by the City of Hamilton;
- (v) That the Owner shall enter into a RHPA Approval Agreement with the City satisfactory in form to the Director of Planning and Development and to the City Solicitor, incorporating the City's conditions of approval listed herein (and in APPENDICES "A", "B" and "C" annexed hereto) and register such Agreement on title to the subject property prior to the issuance of the RHPA Certificate of Approval;

- (vi) In the event that the Owner proposes to sell all of the subject lands, he/she shall ensure that any prospective new land owner of the whole property, enters into an assumption agreement to assume the obligations of the Owner herein;
 - (vii) That the Owner provide the City Solicitor and the Director of Planning and Development with satisfactory evidence that any and all mortgagees of the property consent to the Rental Housing Protection Act (RHPA) application; and,
 - (viii) That the Owner pay all outstanding taxes owing to the City before the issuance of the RHPA Certificate of Approval.
- (b) That upon satisfaction of the above-noted conditions, the City Clerk be authorized to execute the Certificate of Approval in a form satisfactory to the City Solicitor.
2. (a) That approval be given to application SAC-96-03 (Regional File No. 25T-96007), Gus and Mike Holdings, owner, to establish a draft plan of subdivision "Orchards North Addition", for lands located south of the proposed mountain freeway and west of West Fifth Street and north of Chester Avenue, comprising of 6 lots for single detached dwellings and 18 blocks to be developed in conjunction with the addition draft approved plans of subdivision, subject to the following conditions:
- (i) That this approval apply to the plan, as revised in red, prepared by A.J. Clarke and Associates and certified by B.J. Clarke, O.L.S., dated September 24, 1996, showing 6 lots for single detached dwellings, 18 blocks to be developed in conjunction with adjacent lands (Blocks 11 - 29 inclusive), and to establish the extension of Annabelle Street and Chesley Street (see attached APPENDIX "D");
 - (ii) That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth;
 - (iii) That the Owner prepare and submit, to the satisfaction of the Director of Planning and Development, a municipal street numbering plan;
 - (iv) That the owner shall erect a sign in accordance with Section XI of the subsequent agreement, prior to the issuance of a final release by the City of Hamilton;
 - (v) That the final plan conform with the Zoning By-law approved under the Planning Act;

- (vi) That the Owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block and the gross area of the subdivision in the final plan;
- (vii) That the proposed plan of Subdivision not be registered until the holding provision in the Zoning By-law has been removed;
- (viii) That the Owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes;
- (ix) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority;
- (x) That Blocks 7 - 21 inclusive must be developed in conjunction with the adjacent lands;
- (xi) That the lot layout on the draft plan be revised to correspond to the Gourley Neighbourhood Approved Plan.
- (xii) That Lots 1 and 2 not be developed until Chesley Street is established and constructed to the south limit of the subject lands.
- (xiii) That the owner acquire the necessary lands to establish the road allowance adjacent to Lots 3 and 4 to its full width of 20.0m and that these lands be dedicated to the City of Hamilton as public highway.
- (xiv) That Lots 3 to 5 inclusive, not be developed until the external public street access ("Future Street") is provided through the lands to the north ("Fontana Gardens") or southerly to Chester Avenue.
- (xv) That Lot 6 not be developed until Annabelle Street is established and constructed to the south limits of the subject lands.
- (xvi) That the final alignment of the reverse curve adjacent to Lots 3, 4, 5 and Blocks 15, 17 and 18 on the "Future Street" be established with a centreline radius of 200m and separated by a tangent of 30m.
- (xvii) That the owner establish 0.30m reserves at the dead ends and open sides of all road allowances created by this plan of subdivision.

- (xviii) That the owner be required to enter into a subdivision agreement with the City of Hamilton prior to the development of any portion of these lands to satisfy all requirements, financial or otherwise of the City of Hamilton.
 - (xix) That the owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton;
 - (b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (25T-96007), Gus and Mike Holdings, owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council;
 - (c) That the City Clerk be directed to advise the Regional Commissioner of Environment of Council's decision.
3. (a) That, staff from the Public Works and Traffic Department be directed to implement centre boulevards and limited sidewalk widenings on Barton Street between Leeming Street and East Avenue North at a total cost of \$230,000, the capital cost of which is funded 100% through Provincial monies, while the current budget impact is estimated at +\$35,000 and has been forwarded to Management Team's Capital Budget Sub-Committee for consideration in the 1997-2006 Capital Budget Submission.
- (b) That, staff from the Public Works and Traffic Department be directed to proceed with detailed drawings for tender purposes as well as seek approval from the Transportation Services Committee for the realignment of Barton Street within the project area, since Barton Street is a Regional Road.
4. That the By-Law to Regulate Mobile Signs on Private Property as presented to the Planning and Development Committee on 1996 July 3, be approved as amended to delete prohibition of third party signs. **REFERRED BACK.**

5. (a) That the 1997 operating budget of the Concession Street B.I.A. (attached as APPENDIX "E") be approved in the amount of ten thousand, one hundred dollars \$10,100; and,
- (b) That the City Treasurer be hereby authorized and directed to prepare the requisite By-law pursuant to Section 220, the Municipal Act, R.S.O. 1990, to levy the 1997 budget as referenced in (1) above; and,
- (c) That the following Schedule of Payments for 1997 be approved.

January 01	\$2,525
March 01	\$2,525
June 01	\$2,525
September 01	\$2,525

NOTE: 1996 levy arrears will be deducted from the payments for 1997.

6. (a) That the City of Hamilton accept the lot grading for Lot 13, #26 Caswell Drive, Almas Gardens - Phase 5, Registered Plan No. 62M-611, and that the subdivider, DiCenzo Construction Co. Ltd. and Sunshine Homes Inc. be relieved of any further obligations under Section VIII of the City of Hamilton Subdivision Agreement for Almas Gardens - Phase 5.
- (b) That the City Treasurer be authorized and directed to release the balance of \$20,000 being held as a security for the lot grading in Almas Gardens - Phase 5.
7. (a) That Schedule "B" of By-law No.96-195 appointing the Ottawa Street B.I.A. Board of Management be repealed and the following names substituted:

Gord Culshaw	Culshaw Cakes
Mary Keir	Surplus Plus
John Gut	Textile Centre
Tony Bifano	Anton Video
Greta Munt	Greta's Flair
Rosemary Young	Wentworth Paints
Daniel Kwiatkowski	Beach Road Meats
Toby Yull	Toby's Interior Design

- (b) That the City Solicitor be authorized and directed to amend By-law No.96-195 pursuant to (1.) above.

8. That the Building Commissioner be authorized to issue a demolition permit for 571 Kenilworth Avenue North in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.
9. That the Building Commissioner be authorized to issue a demolition permit for 56 Crosthwaite Avenue North in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.
10. (a) That approval be given to Zoning Application ZAR-94-28, 859778 Ontario Inc. (D. Carnicelli), owner, requesting removal of the "H" - Holding provision under Section 36 of the Planning Act to permit commercial development, for property located at No. 1425 and 1429 Upper James Street, as shown on the attached map marked as APPENDIX "F". The "H" - Holding provision was placed on the subject lands until such time as the applicant/owner applies for and receives approval of a Site Plan Control application incorporating the subject lands with the lands to the south and east.

(b) That the Director of Planning be directed to prepare a By-law to amend Zoning By-law No. 6593, as amended by By-law No. 91-175, and Zoning District Map E-9C and E-9D, in a form satisfactory to the City Solicitor, for presentation to City Council.
11. That the following Bills be adopted, signed, sealed and enrolled as By-laws:
 - (a) C-69 A By-law to amend Zoning By-law No. 6593 as amended by Zoning By-law No. 91-175 respecting lands located at 1425 and 1429 Upper James Street.
 - (b) C-70 DELETED.

Respectfully submitted,

**ALDERMAN D. DRURY, CHAIRPERSON
PLANNING AND DEVELOPMENT COMMITTEE**

**Tina Agnello, Secretary
1996 December 4**

MONTHLY RENTAL CHARGES AS OF JULY 22, 1996

<u>914 Mohawk Road East</u>		Unit 08	914 Mohawk Road East Unit 08 Hamilton, Ontario L8T 2R8 Rent: \$578.00
Unit 01	914 Mohawk Road East Unit 01 Hamilton, Ontario L8T 2R8 Rent: \$598.00	Unit 09	914 Mohawk Road East Unit 09 Hamilton, Ontario L8T 2R8 Rent: \$590.00
Unit 02	914 Mohawk Road East Unit 02 Hamilton, Ontario L8T 2R8 Rent: \$584.00	Unit 10	914 Mohawk Road East Unit 10 Hamilton, Ontario L8T 2R8 Rent: \$598.00
Unit 03	914 Mohawk Road East Unit 03 Hamilton, Ontario L8T 2R8 Rent: \$611.00	Unit 11	914 Mohawk Road East Unit 11 Hamilton, Ontario L8T 2R8 Rent: \$561.00
Unit 04	914 Mohawk Road East Unit 04 Hamilton, Ontario L8T 2R8 Rent: \$584.00	Unit 12	914 Mohawk Road East Unit 12 Hamilton, Ontario L8T 2R8 Rent: \$598.00
Unit 05	914 Mohawk Road East Unit 05 Hamilton, Ontario L8T 2R8 Rent: \$598.00	Unit 14	914 Mohawk Road East Unit 14 Hamilton, Ontario L8T 2R8 Rent: \$590.00
Unit 06	914 Mohawk Road East Unit 06 Hamilton, Ontario L8T 2R8 Rent: \$598.00	Unit 15	914 Mohawk Road East Unit 15 Hamilton, Ontario L8T 2R8 Rent: \$584.00
Unit 07	914 Mohawk Road East Unit 07 Hamilton, Ontario L8T 2R8 Rent: \$598.00		

1996 December 10

Unit 16 914 Mohawk Road East
Unit 16
Hamilton, Ontario
L8T 2R8

Rent: \$590.00

Unit 17 914 Mohawk Road East
Unit 17
Hamilton, Ontario
L8T 2R8

Rent: \$598.00

The Agreement of Purchase and Sale shall provide:

- (a) that the sale shall be completed within One Hundred and Twenty (120) days of execution of the agreement, unless otherwise agreed by the Tenant and Owner; and,
- (b) that the purchase price for a Unit be the price agreed upon between the Owner and the Tenant which price shall not exceed the dollar value assigned to the Unit by an accredited appraiser of real property less:
 - i) \$3,500.00 or 5.0 percent of the appraised dollar value of the Unit, whichever is greater; and,
 - ii) 25.0 percent of the total rental payments made by the Tenant in the preceding 12-month period prior to the date the Agreement of Purchase and Sale is executed between the Tenant and the Owner.

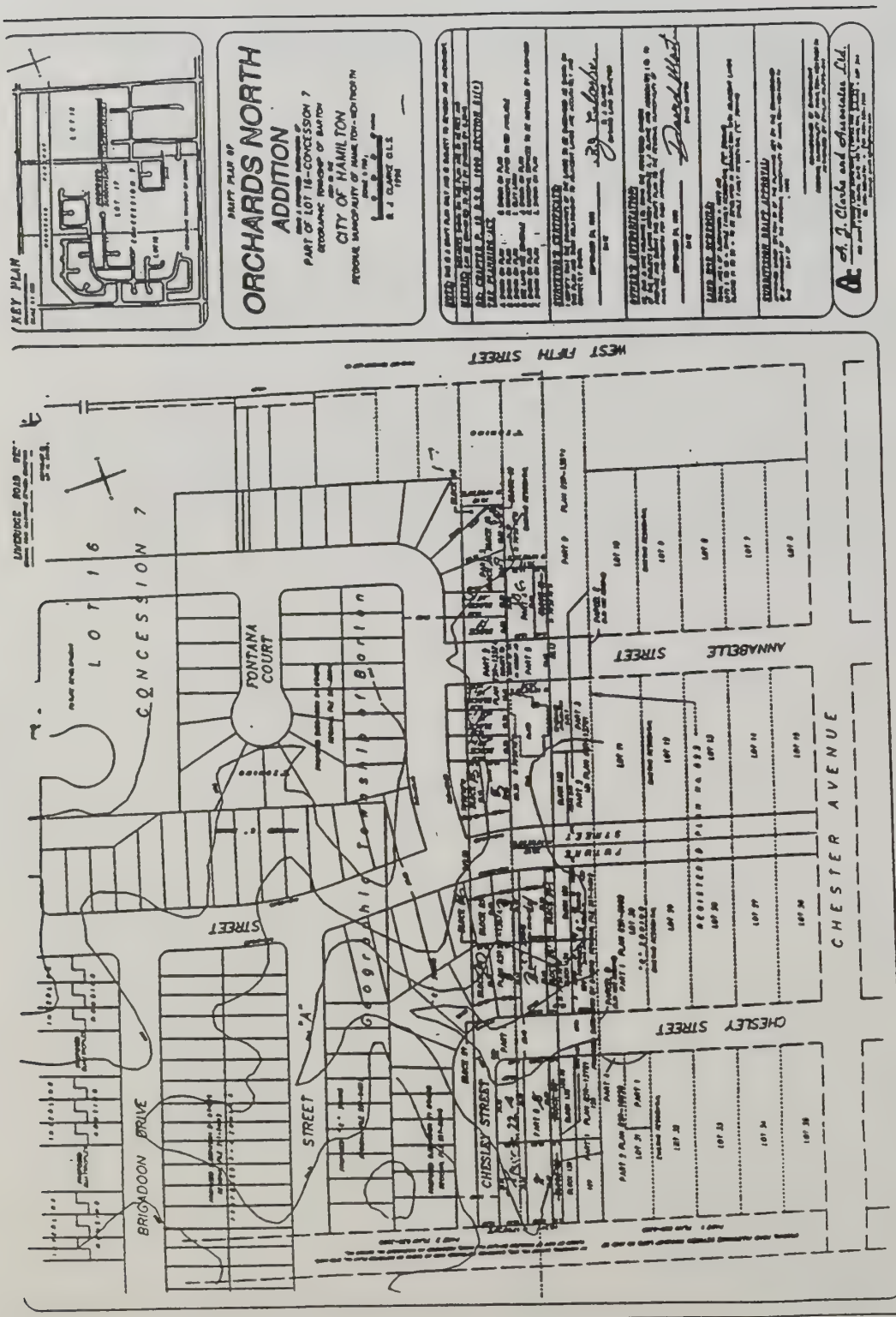
The aforementioned accredited appraiser of real property shall be retained at the expense of the owner and the appraisal of the unit shall be conducted within 21 days of the Tenant exercising their Option to purchase a unit.

APPENDIX "C"

The conditions of RHPA approval are subject to the following standard terms, which terms shall form part of the applicable document:

- (a) The following documents, namely the RHPA Approval Agreement, the leases and the Options to purchase shall be prepared by the Owner and registered by the Owner at his/her expense, including payment of registration fees.
- (b) If the Tenant at any time vacates their rental unit, the Tenant's rights pursuant to lease and the Option to Purchase shall cease. The Tenant may not enter into an Agreement of Purchase and Sale unless the Tenant is at the time of its execution in possession of a rental unit.
- (c) The Tenant's rights under the RHPA Approval Agreement, the lease, and the Option to Purchase shall be personal to the named Tenant(s) only and not assignable by the Tenant(s) to anyone, unless approved by the owner, in the owners absolute discretion.

Appendix "D" referred to in
Section 2. of the **TWENTIETH**
Report of the Planning and
Development Committee for 1996.



**CONCESSION STREET BUSINESS IMPROVEMENT AREA
PROPOSED BUDGET FOR 1997**

EXPENSES

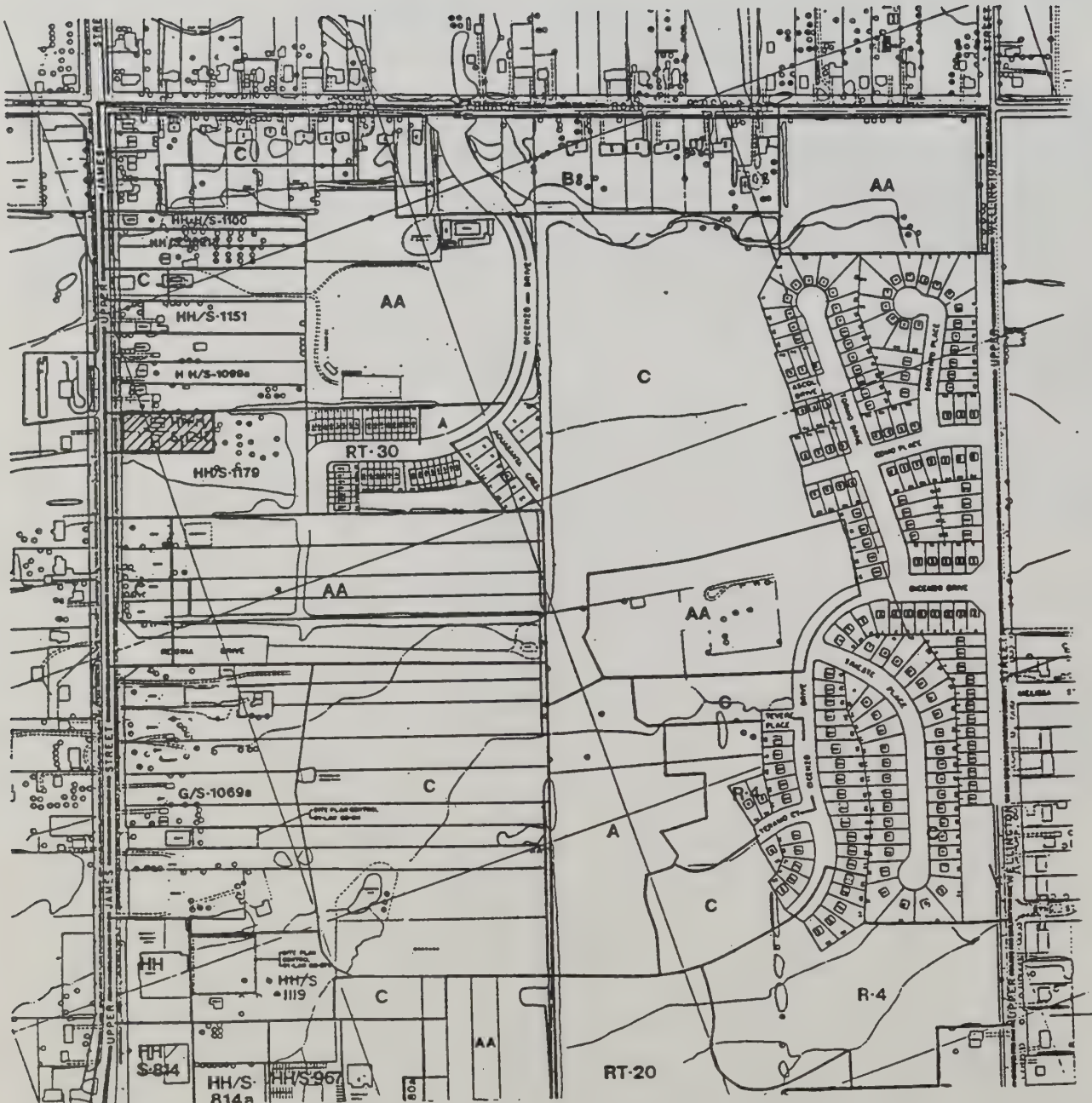
ADVERTISING AND PROMOTION	\$ 2,800.
HYDRO-CHRISTMAS LIGHTS	\$ 800.
ADVERTISING AND PROMOTION & NEWSLETTER	\$ 6,000.
 <u>ADMINISTRATION</u>	
INSURANCE	\$ 750.
ACCOUNTING	\$ 350.
 MISCELLANEOUS	\$ 400.
TOTAL	\$11,100.

INCOME

BIA TAX LEVIES	\$10,100.
CITY OF HAMILTON GRANT FOR CHRISTMAS DECORATIONS	\$ 1,000.
TOTAL	\$11,100.

1996 December 10

Appendix "F" referred to in
Section 10. of the TWENTIETH
Report of the Planning and
Development Committee for 1996.



Legend



Site of the Application

REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Finance and Administration Committee presents its **TWENTIETH** Report for 1996 and respectfully recommends:

1. (a) That approval be given for the City Treasurer to receive payments from the Firan Corporation, as donations towards Hamilton's Sesquicentennial Celebrations; and,
(b) That the City Treasurer be authorized to grant these contributions received to Hamilton Sesquicentennial Celebrations Inc.
2. That the listing of Appointments to and Terminations From Permanent Positions with the Corporation of the City of Hamilton to 1996 November 22, attached herewith and marked Appendix "A", be approved.
3. That the cost to complete the Ontario Municipal Board hearing concerning Rental Housing Protection Act Application CU-93-001 and Zoning Application 93-32, for 280 Weir Street North, up to a maximum amount of \$10,000 be financed by charging Account No. CH 24101-55406 Consultant Fees.
4. That the Hamilton Public Library Board be allowed to spend up to \$60,000 of its anticipated 1996 Operating Budget surplus in a manner which is different from its budget estimates, namely; that a buy-out package of \$45,000 be presented to the non-union Personnel Clerk and that up to \$15,000 be spent on the capital costs required to eliminate the personnel reception point and to create an area so that the clerical services of Administration/Personnel/Business can be pooled.
5. (a) That the City resolve Ontario Court (General Division) Small Claims Court Action No. 7747/96 by the payment to the Plaintiff, Juan C. Crespo, of the sum of \$500 inclusive of all damages, interest and costs; and,

- (b) That the Plaintiff be required to execute a Full and Final Release in a form satisfactory to the City Solicitor; and,
 - (c) That Ontario Court (General Division) Small Claims Court Action No. 7747/96 be dismissed without costs.
6. That outstanding business taxes in the amount of \$426,473.06 be written-off in accordance with Section 441 of the Municipal Act, R.S.O. 1990 and charged to account CH53401 24106, Tax Write-offs.
7. That outstanding Accounts Receivable in the amount of \$18,605.39 be written off and charged to Account CH 15401 00001.
8. (a) That the City be authorized to temporarily borrow monies to meet current budget expenditures for 1997 pending receipt of current revenues; and,
- (b) That the appropriate borrowing by-law be approved.
9. That the "Development Charge Reserve Fund Statement of Continuity" for the year 1995 which was approved by City Council on 1996 August 27 (Section 25 of the Fourteenth Report for 1996 of the Finance and Administration Committee) be revised, as indicated on Appendix "B" herewith attached.
10. (a) That the City consent to the exemption of the Art Gallery of Hamilton pursuant to s.3 paragraph 16 of the Assessment Act RSO 1990; and,
- (b) That the City Solicitor investigate the options and means available to the City to achieve this status.
11. (a) That an Offer to Purchase Agreement, duly executed by Mark Pillinini on 1996 November 21 and scheduled to close on or before 1997 April 15, for the lands municipally described as 8-10 Brantdale Avenue, being part of Lots 14 and 15, Block C, Registered Plan No. 279, Hamilton, having a frontage of 18.47 metres (60.60 feet) more or less, along the north side of Brantdale Avenue and a depth of 30.48 metres (100.0 feet) more or less, be approved and completed as the requirements in the Municipal Act pursuant to the City's Real Property Procedural By-law No. 95-049

enacted on 1995 February 14 have been fulfilled by the City, and funds derived from this sale of \$51,000 be credited to Account Centre 00202 (Parking Authority Offstreet Reserve); and,

(b) That the required deposit cheque in the amount of \$5,100 be held by the City Treasurer pending Council approval; and,

(c) That the Offer to Purchase be conditional upon certain matters, in addition to the standard conditions contained on the City's Offer to Purchase form, in particular paragraphs 16 and 17;

(i) 16. It is understood and agreed that this Offer to Purchase is conditional upon a City By-Law being approved and passed to rezone the subject lands from "G-3" to a zoning district which will permit the development of the property for two single family detached dwellings and/or two semi-detached dwellings, in accordance with the requirements of the Planning Act, R.S.O. 1990. Further, if the above-noted by-law is approved and passed to rezone the subject property, this Offer to Purchase is conditional upon there being no appeal of the City's decision to the Ontario Municipal Board within the time period allotted for appeals, pursuant to the Planning Act, and the rezoning therefore being final and binding; and,

In the event the above condition is not met prior to the 14th day of 1997 March, then this Offer to Purchase shall be null and void and the deposit returned to the Purchaser without interest; and,

17. Provided the rezoning referred to in paragraph 16 is obtained, the Vendor shall, at its own expense, prepare and register a reference plan of the subject property severing the property into two separate lots (the most westerly having an even width from front to rear of 30.6 feet and the easterly having an even width from front to rear of 30.0 feet). The property shall be sold to the Purchaser as two separate lots.

(ii) In paragraph 19, the Purchaser acknowledges the selling price is net of various governmental charges such as development charges, local improvement charges, building permit fees, fees for connections of water and sewer lines, cost of a Lot Grading Agreement, etc; and,

(d) That with respect to the condition noted in (c)(i) above, the Property Department initiated a rezoning application on 1996 September 27, to permit the development of either two single or semi-detached dwellings. Subsequently the Planning Department

advised that the proposed zoning district is "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) Modified; and,

(e) That the Mayor and City Clerk be authorized and directed to execute the necessary documents; and,

(f) That in accordance with Real Property Sales Procedural By-law No. 95-049:

(i) Satisfactory notice has been given to the public of the intended sale; and,

(ii) An appraisal of the fair market value of the real property intended to be sold was obtained on the 13th day of August 1996; and,

(iii) The City Clerk be authorized and directed to execute (and issue) a Certificate of Compliance in the form prescribed pursuant to Section 193 of the Municipal Act. **REFERRED BACK.**

12. (a) That approval be given to issue a purchase order to Black & McDonald Limited, Stoney Creek, Ontario in the amount of \$112,880.72 per year inclusive of (\$7,384.72 GST) for mechanical maintenance of refrigeration ice making equipment in (10) city owned arenas during 1997, 1998 and 1999, this being the lowest tender received in accordance with specifications issued by the Purchasing Division (Ref: C14-20-96.); and,
- (b) That this expenditure be financed from the Current Budget Accounts CH 56380 31136 Refrigeration Contract, Recreation Buildings and CH 56380 31137 Refrigeration Contract, Twin Pad Arena; and,
- (c) That the Mayor and City Clerk be authorized and directed to execute an agreement in a form satisfactory to the City Solicitor.
13. (a) That an Offer to Purchase Agreement, duly executed by Ratko Radisic, on 1996 November 22 and scheduled to close on or before 1997 January 16, for the lands municipally described as 411-413 Britannia Avenue, being all of Lot 186 on the east side of Weir Street North, having a frontage of 7.62 metres (25 feet) more or less, in the Fairchild Survey Plan 502, City of Hamilton, be approved and completed as the requirements in the Municipal Act pursuant to the City's Real Property Procedural By-law No. 95-049 enacted on 1995 February 14 have been fulfilled by the City, and funds derived from this sale of \$30,000 be credited to Account Number 4X501 00102 (Reserve for Property Purchases); and,

- (b) That the required deposit cheque in the amount of \$3,000 be held by the City Treasurer pending Council approval; and,
 - (c) That the Mayor and City Clerk be authorized and directed to execute the necessary documents; and,
 - (d) That in accordance with the Real Property Sales Procedural By-law No. 95-049:
 - (i) Satisfactory Notice has been given to the public of the intended sale; and,
 - (ii) An appraisal of the fair market value of the real property intended to be sold was obtained on the 6th day of September 1996; and,
 - (iii) The City Clerk be authorized and directed to execute (and issue) a Certificate of Compliance in the form prescribed pursuant to Section 193 of the Municipal Act.
14. That the Director of Property be authorized to call for Tenders for the Lease of five (5) locations throughout the City for the placement of outdoor advertising billboards for a three (3) year period.
15. (a) That the City of Hamilton participate in the Hamilton-Wentworth Information Network (HWIN) telecommunications project to provide a fibre optic link between downtown Hamilton and McMaster University provided that the HWIN grant request to the Ministry of Economic Development for the capital construction cost of the fibre optic link is successful; and,
- (b) That the estimated annual cost (\$2,000) of the City's share of maintenance of the fibre optic link be financed within the existing Information Systems budget; and,
- (c) That the Mayor and City Clerk be authorized to execute any subsequent agreement between the HWIN partners that provides for the maintenance of the fibre link service; and,
- (d) That the agreement be in a form satisfactory to the City Solicitor.

16. (a) That the Chief Administrative Officer be authorized and directed to take the necessary steps to post and advertise the position of Fire Chief consistent with the Selection Procedure adopted by City Council on 1982 January 26; and,
 - (b) That a Staff Committee comprised of the Chief Administrative Officer, two members of the Corporate Management Team and a Fire Chief from a similarly sized municipality review all applications received and make recommendations to the Selection Committee for interviewing; and,
 - (c) That a Selection Committee comprised of the Mayor, Chairman of the Finance and Administration Committee, Vice Chairman of the Finance and Administration Committee and two members of the Finance and Administration Committee be formed to consider the applications for interviewing and recommend a candidate to Council.
17. That the following Bills be adopted, signed, sealed and enrolled as By-laws:
 - (a) D-62 A By-law to Authorize the Temporary Borrowing of Monies to meet Current Expenditures pending Receipt of Current Revenues.
 - (b) D-63 A By-law to Confirm the Proceedings of the Council of The Corporation of the City of Hamilton.

Respectfully submitted,

**ALDERMAN B. CHARTERS, CHAIRMAN
FINANCE AND ADMINISTRATION COMMITTEE**

**Susan K. Reeder
Secretary
1996 December 3**

Appendix "A" referred
to in Section 2 of the
TWENTIETH Report of
the Finance and
Administration
Committee for 1996.

THE CORPORATION OF THE CITY OF HAMILTON

APPOINTMENTS TO PERMANENT POSITIONS

<u>NAME</u>	<u>STATUS</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON HIRED</u>	<u>SALARY SCHEDULE</u>	<u>EFFECTIVE DATE</u>
Mr. Christopher Ridgewell	I	Sanitation Worker	Public Works & Traffic Services	Replacing Mr. T. Lacasse - transferred, Sept. 16/96	\$36,670.40	Oct. 15/96
Mr. Chris Roketta	I	Rink Attendant I	Historical Outdoor sports	New Position Council Approved August 27, 1996	\$36,780.64	Nov. 11/96

Prepared November 22, 1996

Status --
Internal -- I
External -- E

THE CORPORATION OF THE CITY OF HAMILTON

TERMINATIONS FROM PERMANENT POSITIONS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON</u>	<u>LENGTH OF SERVICE</u>	<u>EFFECTIVE DATE</u>
Mr. Mark Antolich	Signs Markings Specialist	Public Works & Traffic	Resigned	1 year, 9 months	Nov. 08/96
Mr. Michael Atkinson	Platoon Chief	Fire	Retired	32 years, 2 months	Nov. 26/96
Mr. Douglas Downey	Lieutenant - Firefighter	Fire	Retired	35 years, 1 month	Nov. 28/96
Mr. Gary Forrester	Firefighter I	Fire	Retired	34 years, 6 months	Nov. 30/96
Mr. William Gibson	Firefighter I	Fire	Retired	34 years, 6 months	Nov. 28/96
Mr. Brian Kempton	Firefighter I	Fire	Retired	30 years, 1 month	Nov. 28/96
Mr. James Metham	Lieutenant - Firefighter	Fire	Retired	31 years, 11 months	Nov. 30/96
Mr. Ernest Mills	Lieutenant - Firefighter	Fire	Retired	30 years, 9 months	Nov. 26/96
Mr. Floriano Pereira	Greenskeeper II	Culture & Recreation	Retired	23 years, 5 months	Nov. 29/96
Mr. Carl Speight	District Chief	Fire	Retired	30 years, 1 months	Nov. 30/96
Mr. Gordon Talbot	Lieutenant - Firefighter	Fire	Retired	31 years, 1 month	Nov. 30/96
Mr. Albert Vandenakker	Platoon Chief	Fire	Retired	32 years, 2 months	Nov. 30/96

Prepared November 22, 1996

Glossary of Terms

Terminated - long term disability
 - discharge
 - downsizing
 - redundant

Resigned - personal betterment
 - personal reasons

Development Charge Reserve Fund
Statement of Continuity
Period January 01, 1995 to December 31, 1995

	Total	Indoor Recreation	Outdoor Recreation	Library Buildings & Materials	Traffic Signals	Partland Acquisition	Vehicles & Equipment	Studies	Engineering (area specific)	Storm Water Retention	Fire Stations
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
Balance as at Jan. 01, 1995	\$6,030,634	\$1,742,843	\$951,621	\$659,889	\$87,718	\$0	\$0	\$0	\$1,718,889	\$0	\$869,674
Development charges received or receivable	\$823,914	\$219,798	\$138,364	\$86,002	\$13,657	\$20,586	\$5,379	\$108	\$221,692	\$0	\$118,328
Development charges refunded	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Interest earned	\$411,356	\$119,648	\$66,999	\$45,555	\$5,650	\$1,873	\$489	\$10	\$114,959	\$0	\$56,173
	\$7,265,904	\$2,082,289	\$1,156,984	\$791,446	\$107,025	\$22,459	\$5,868	\$118	\$2,055,540	\$0	\$1,044,175
Transferred to the capital fund	(\$15,000)	\$0	\$0	\$0	(\$15,000)	\$0	\$0	\$0	\$0	\$0	\$0
Amounts allocated:											
1) Services Through Unsubdivided Lands (\$1,718,889)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	(\$1,718,889)	\$0	\$0
2) Reduction of growth-related debt charges (\$600,000)	(\$348,569)	(\$348,569)	(\$99,116)	\$0	(\$18,946)	\$0	\$0	\$0	\$0	\$0	(\$133,369)
Balance as at December 31, 1995	\$4,932,015	\$1,733,720	\$1,057,868	\$791,446	\$73,079	\$22,459	\$5,868	\$118	\$336,651	\$0	\$910,806

Appendix "B" referred to in Section 9 of the TWENTIETH Report of the Finance and Administration Committee for 1996.

REPORT OF HIS WORSHIP MAYOR ROBERT M. MORROW

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Mayor presents his **THIRD** Report for 1996 and respectfully recommends:

1. That Mila Mansaram be appointed as a Citizen Member to serve on the Mayor's Committee Against Racism and Discrimination, for a term to expire 1997 November 30, to fill a vacancy created by a resigning member.
2. That the following be appointed as Citizen Members to serve on the Mayor's **Advisory** Council Against Racism and Discrimination, for a term to expire 1997 November 30, to fill vacancies created by resigning members:

Maher Ahmed
Salim S. Bheriani
Mary A. Ormond
Kathy Vucic

RESPECTFULLY SUBMITTED

Mayor Robert M. Morrow

Stella Glover,
Secretary

1996 December 9



 **ACCO USA**
WHEELING, ILLINOIS 60090

25971

0 50505 25971

BLACK/NOIR/NEGRO

MADE IN USA

